

This country should be frank with the Filipinos. They should know whether they are intended for statehood, whether they are to receive a Territorial form of government under the protection of the Constitution, or whether they are to resort to the last avenue that is open to those who aspire for liberty and love independence.

EXECUTIVE SESSION.

Mr. LODGE. Unless some Senator desires to go on at this time, I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 13, 1902, at 12 o'clock meridian.

CONFIRMATION.

Executive nomination confirmed by the Senate February 12, 1902.

POSTMASTER.

William B. McIlhenny, to be postmaster at Gettysburg, in the county of Adams and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 12, 1902.

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

Almighty and most merciful God, whose ways are past finding out, yet who reignest supreme, we are carried back in thought to-day to those years of civil strife when the land ran red with blood, and we are reminded of that strong, rugged, patient, tender-hearted, loving man whom Thou raised up and brought in an opportune moment out of obscurity to be the nation's savior. We thank Thee for his life, for his deeds, and above all for his great sterling character. We thank Thee that that strife is over; that if there was malice it is gone, if there was animosity it is buried, if there was hatred it has passed away; that we stand a united nation, with all our longings, hopes, and aspirations centered in one country, one flag, one God and Father of us all. Help us so to live that we shall be missed by our fellow-men when we are gone, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of yesterday's proceedings was read and approved.

OLEOMARGARINE BILL.

The SPEAKER. The question as affecting the bill H. R. 9266, the oleomargarine bill, now is on the amendment offered by the gentleman from Kentucky [Mr. ALLEN] on the subject of the renovation of butter. The previous question has been ordered and the yeas and nays ordered on this amendment.

Mr. SHAFROTH. Mr. Speaker, may we have the amendment read? There are so many that do not know what the amendment is. I ask for the reading of the amendment.

The SPEAKER. Without objection, the amendment will again be reported.

Mr. SLAYDEN. Mr. Speaker, let us have order while it is being read.

The SPEAKER. The House will be in order.

The amendment was read, as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect; and no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section.

The question was taken; and there were—yeas 152, nays 126, answering "present" 9, not voting 69; as follows:

YEAS—152.

Adams,	Bowie,	Butler, Mo.	Cowherd,
Adamson,	Brantley,	Calderhead,	Creamer,
Allen, Ky.	Bromwell,	Candler,	Crumpecker,
Ball, Tex.	Brundidge,	Clark,	Cummings,
Bartholdt,	Burgess,	Clayton,	Dalzell,
Bell,	Burk, Pa.	Connell,	Davey, La.
Bellamy,	Burleson,	Conry,	Davis, Fla.
Benton,	Burnett,	Cooney,	De Armond,
Boutell,	Burton,	Cooper, Tex.	De Graffenreid,

Dinsmore,	Kitchin, Claude	Moody, Mass.	Shackleford,
Dougherty,	Kitchin, Wm. W.	Moody, Oreg.	Shafroth,
Douglas,	Kleberg,	Moon,	Sheppard,
Edwards,	Lanham,	Napen,	Sims,
Elliott,	Lassiter,	Newlands,	Slayden,
Feely,	Latimer,	Otay,	Small,
Fleming,	Lessler,	Overstreet,	Smith, Ky.
Foster, Ill.	Lester,	Padgett,	Snodgrass,
Fox,	Lever,	Patterson, Tenn.	Sparkman,
Gaines, Tenn.	Lewis, Ga.	Payne,	Steele,
Gilbert,	Lewis, Pa.	Pierce,	Stephens, Tex.
Gillett, Mass.	Little,	Pon,	Sutherland,
Goldfogle,	Livingston,	Powers, Me.	Talbert,
Gooch,	Lloyd,	Randell, Tex.	Tate,
Griffith,	Long,	Ransdell, La.	Thompson,
Hanbury,	Loud,	Reid,	Tongue,
Hedge,	Loudenslager,	Rhea, Ky.	Underwood,
Henry, Miss.	Lovering,	Richardson, Ala.	Wachter,
Henry, Tex.	McAndrews,	Richardson, Tenn.	Wadsworth,
Hooker,	McClellan,	Rixey,	Wanger,
Howard,	McCulloch,	Robb,	Warner,
Hughes,	McLain,	Robertson, La.	Weeks,
Jack,	McRae,	Robinson, Ind.	Wheeler,
Jackson, Kans.	Maddox,	Rucker,	White,
Johnson,	Martin,	Ruppert,	Wiley,
Jones, Wash.	Maynard,	Ryan,	Williams, Miss.
Joy,	Mickey,	Scarborough,	Wilson,
Kahn,	Miers, Ind.	Schirm,	Wooten,
Kehoe,	Mondell,	Selby,	Zenor.

NAYS—126.

Acheson,	Driscoll,	Ketcham,	Robinson, Nebr.
Alexander,	Eddy,	Knapp,	Rumple,
Aplin,	Emerson,	Lacey,	Russell,
Babcock,	Evans,	Lamb,	Salmon,
Ball, Del.	Fletcher,	Lawrence,	Sherman,
Barney,	Foarderer,	Lindsay,	Showalter,
Bates,	Fordney,	Littlefield,	Sibley,
Bishop,	Foster, Vt.	McCall,	Skiles,
Blackburn,	Gardner, Mich.	McClary,	Smith, Ill.
Blakeney,	Gardner, N. J.	McDermott,	Smith, S. W.
Bristow,	Gibson,	McLachlan,	Snook,
Brown,	Gillet, N. Y.	Mahon,	Sperry,
Brownlow,	Gordon,	Marshall,	Stark,
Burke, S. Dak.	Green, Pa.	Metcalf,	Stevens, Minn.
Burleigh,	Greene, Mass.	Miller,	Stewart, N. J.
Butler, Pa.	Grow,	Minor,	Stewart, N. Y.
Caldwell,	Hall,	Moody, N. C.	Sulloway,
Cannon,	Hamilton,	Morgan,	Tawney,
Cassel,	Haskins,	Morrell,	Thayer,
Cassingham,	Heugon,	Morris,	Thomas, Iowa
Conner,	Heatwole,	Mudd,	Tirrell,
Coombs,	Henry, Conn.	Mutchler,	Tompkins, Ohio.
Cooper, Wis.	Hepburn,	Needham,	Van Voorhis,
Currier,	Hildebrandt,	Nevin,	Vreeland,
Curtis,	Hitt,	Olsted,	Wazock,
Dahle,	Howell,	Otjen,	Watson,
Darragh,	Hull,	Parker,	Williams, Ill.
Davidson,	Jackson, Md.	Patterson, Pa.	Woods,
Deemer,	Jenkins,	Pearre,	Wright,
Dick,	Jett,	Perkins,	Young,
Dovener,	Jones, Va.	Prince,	
Draper,	Kern,	Ray, N. Y.	

ANSWERED "PRESENT"—9.

Bartlett,	Hay,	Norton,	Taylor, Ala.
Cochran,	Mann,	Powers, Mass.	Trimble.
Fitzgerald,			

NOT VOTING—69.

Allen, Me.	Dayton,	Klutz,	Shattuc,
Bankhead,	Esch,	Knox,	Shelden,
Beidler,	Finley,	Kyle,	Smith, Iowa
Belmont,	Flood,	Landis,	Smith, H. C.
Bingham,	Foss,	Littauer,	Smith, Wm. Alden
Boreing,	Fowler,	Mahony,	Southard,
Bowersock,	Gaines, W. Va.	Mercer,	Southwick,
Breazeale,	Gill,	Meyer, La.	Spight,
Brick,	Glenn,	Neville,	Storm,
Broussard,	Graft,	Palmer,	Sulzer,
Bull,	Graham,	Polk,	Swanson,
Burkett,	Griggs,	Pugsley,	Taylor, Ohio
Capron,	Grosvenor,	Reeder,	Thomas, N. C.
Corliss,	Hemenway,	Reoves,	Tompkins, N. Y.
Cousins,	Hill,	Rhea, Va.	Vandiver.
Cromer,	Holliday,	Roberts,	
Crowley,	Hopkins,	Scott,	
Cushman,	Irwin,	Shallenberger,	

The following pairs were announced:

Until further notice:

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

On this vote:

Mr. BURKETT with Mr. RHEA of Virginia.

Mr. GILL with Mr. SHALLENBERGER.

Mr. FOWLER with Mr. VANDIVER.

For this day:

Mr. LITTAUER with Mr. POLK.

Mr. CROMER with Mr. NEVILLE.

Mr. REEDER with Mr. FLOOD.

Mr. BEIDLER with Mr. HAY.

Until the 14th:

Mr. MERCER with Mr. SWANSON.

Mr. SOUTHARD with Mr. NORTON.

On this bill:

Mr. REEVES with Mr. BANKHEAD.

Mr. BINGHAM with Mr. FINLEY.

Mr. ESCH with Mr. CAPRON.

Mr. TOMPKINS of New York with Mr. FITZGERALD.

Mr. LANDIS with Mr. SULZER.
 Mr. WM. ALDEN SMITH with Mr. CORLISS.
 (Mr. SMITH for the bill; Mr. CORLISS against it.)
 Mr. BULL with Mr. CROWLEY.
 (Mr. BULL against the bill; Mr. CROWLEY in favor of it.)
 Mr. FOSS with Mr. BROUSSARD.
 (Mr. FOSS for the bill; Mr. BROUSSARD against it.)
 Mr. GRAFF with Mr. SCOTT.
 Mr. BREAZEALE with Mr. GRIGGS.
 (Mr. BREAZEALE for the bill; Mr. GRIGGS against it.)
 Mr. SMITH of Iowa with Mr. MAHONEY.
 (Mr. SMITH for the bill; Mr. MAHONEY against it.)
 Mr. ROBERTS with Mr. POWERS of Massachusetts.
 (Mr. POWERS for the bill; Mr. ROBERTS against it.)
 Mr. HOPKINS with Mr. GRAHAM.
 (Mr. HOPKINS for the bill; Mr. GRAHAM against it.)
 Mr. KLUTTZ with Mr. THOMAS of North Carolina.
 (Mr. KLUTTZ for the bill; Mr. THOMAS against it.)
 Mr. BRICK with Mr. GAINES of West Virginia.
 (Mr. BRICK for the bill; Mr. GAINES against it.)
 Mr. SOUTHWICK with Mr. COCHRAN.
 (Mr. COCHRAN for the bill; Mr. SOUTHWICK against it.)
 Mr. HILL with Mr. GROSVENOR.
 (Mr. HILL for the bill; Mr. GROSVENOR against it.)
 Mr. COUSINS with Mr. BELMONT.
 (Mr. COUSINS for the bill; Mr. BELMONT against it.)
 Mr. HEMENWAY with Mr. SPIGHT.
 (Mr. HEMENWAY for the bill; Mr. SPIGHT against it.)
 Mr. TAYLER of Ohio with Mr. BARTLETT.
 Mr. HOLLIDAY with Mr. PUGSLEY.
 Mr. ALLEN of Maine with Mr. SHELDEN.
 (Mr. ALLEN for the bill; Mr. SHELDEN against it.)
 For this session:

Mr. BOREING with Mr. TRIMBLE.
 Mr. DAYTON with Mr. MEYER of Louisiana.
 Mr. BARTLETT. Mr. Speaker, I observe that I am paired with the gentleman from Ohio, Mr. TAYLER. I have voted aye, and I desire to withdraw my vote and be marked "present."

The SPEAKER. The Clerk will call the gentleman's name.
 The Clerk called Mr. BARTLETT's name, and he answered "present," as above recorded.

Mr. HOOKER. Mr. Speaker, I observe that a pair has been read of myself with the gentleman from New Jersey. It was only for yesterday and does not prevail to-day, and therefore should not be read.

The SPEAKER. The pair has been withdrawn.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to all the other amendments in gross.

The question was taken, and all the other amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. WADSWORTH. Mr. Speaker, I move to recommit the bill with instructions to report the minority bill as a substitute.

The SPEAKER. The gentleman from New York moves to recommit the bill with instructions to report back the substitute bill.

Mr. WADSWORTH. And on that, Mr. Speaker, I ask for the yeas and nays.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman if that includes the amendment which has just been adopted by the House?

Mr. WADSWORTH. No, it does not, for it is not in the substitute bill. I am willing to have it in if it can be done by unanimous consent.

The SPEAKER. The Clerk will read the instructions.

The Clerk read as follows:

To recommit the bill with instructions to report the following bill as a substitute:

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"Sec. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay \$900 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the further reading of the bill may be dispensed with.

The SPEAKER. The gentleman from Alabama asks unanimous consent to dispense with the further reading of the proposed instructions.

Mr. TAWNEY. Pending that, Mr. Speaker, I rise to make a parliamentary inquiry. This proposition was voted on after consideration in Committee of the Whole and was defeated, and this is simply for the purpose of securing another vote on an amendment offered in Committee of the Whole.

The SPEAKER. The House knows nothing about what was done in the Committee of the Whole except as was reported by the Chairman of the committee. Besides, the point of order would be too late. Is there objection to the request of the gentleman from Alabama?

Mr. TAWNEY. I object, Mr. Speaker.

The SPEAKER. Objection is made, and the Clerk will continue with the reading.

The Clerk, proceeding with the reading of the bill, read as follows:

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be \$500."

"Sec. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or two pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than \$200 nor more than \$1,000 and be imprisoned not less than sixty days nor more than two years."

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York to recommit the bill with instructions.

Mr. TAWNEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 163, answering "present" 9, not voting 68; as follows:

YEAS—117.

Adams,	Connell,	Gaines, Tenn.	Latimer,
Adamson,	Cooper, Tex.	Goldfogle,	Lessler,
Allen, Ky.	Cowherd,	Hanbury,	Lester,
Ball, Tex.	Creamer,	Hedge,	Lever,
Boutell,	Crumpacker,	Henry, Miss.	Lewis, Ga.
Bowersock,	Cummings,	Henry, Tex.	Little,
Bowie,	Dalzell,	Hooker,	Livingston,
Brantley,	Davey, La.	Howard,	Long,
Bromwell,	Davis, Fla.	Hughes,	Loud,
Brundidge,	De Graffenreid,	Johnson,	Loudenslager,
Burgess,	Dinsmore,	Joy,	Lovering,
Burk, Pa.	Douglas,	Kahn,	McAndrews,
Burleson,	Edwards,	Kehoe,	McCall,
Burnett,	Elliott,	Kitchin, Claude	McClellan,
Burton,	Feely,	Kitchin, Wm. W.	McCulloch,
Butler, Mo.	Fleming,	Kleberg,	McDermott,
Candler,	Foster, Ill.	Lanham,	McLain,
Clayton,	Fox,	Laestler,	McRae,

Maddox,	Randell, Tex.	Sheppard,	Underwood,
Mahoney,	Ransdell, La.	Sims,	Wachter,
Mann,	Reid,	Slayden,	Wadsworth,
Maynard,	Rhea, Ky.	Small,	Wheeler,
Mondell,	Richardson, Ala.	Smith, Ky.	White,
Moon,	Richardson, Tenn.	Snodgrass,	Wiley,
Naphen,	Robertson, La.	Sparkman,	Williams, Miss.
Otey,	Rucker,	Steele,	Wilson,
Overstreet,	Ruppert,	Stephens, Tex.	Wooten.
Padgett,	Ryan,	Talbert,	
Patterson, Tenn.	Scarborough,	Tate,	
Pierce,	Schirm,	Thompson,	

NAYS—162.

Acheson,	Emerson,	Lamb,	Robinson, Nebr.
Alexander,	Evans,	Lawrence,	Rumple,
Apin,	Fletcher,	Lewis, Pa.	Russell,
Babcock,	Fordner,	Lindsay,	Salmon,
Ball, Del.	Fordney,	Littauer,	Selby,
Barney,	Forster, Vt.	Littlefield,	Shafroth,
Bates,	Gardner, Mich.	Lloyd,	Shallenberger,
Bell,	Gardner, N. J.	McClary,	Sherman,
Bishop,	Gibson,	McLachlan,	Showalter,
Blackburn,	Gilbert,	Mahon,	Sibley,
Blakeney,	Gill,	Marshall,	Skiles,
Bristow,	Gillet, N. Y.	Martin,	Smith, Ill.
Brown,	Gillett, Mass.	Metcalfe,	Smith, S. W.
Brownlow,	Gooch,	Mickey,	Snook,
Burke, S. Dak.	Gordon,	Miers, Ind.	Sperry,
Butler, Pa.	Green, Pa.	Miller,	Stark,
Calderhead,	Greene, Mass.	Minor,	Stevens, Minn.
Caldwell,	Griffith,	Moody, Mass.	Stewart, N. J.
Cannon,	Grow,	Moody, N. C.	Stewart, N. Y.
Cassel,	Hall,	Moody, Oreg.	Sulloway,
Cassingham,	Hamilton,	Morgan,	Sutherland,
Clark,	Haskins,	Morrell,	Tawney,
Conner,	Haugen,	Morris,	Thayer,
Conry,	Heatwole,	Mudd,	Thomas, Iowa
Coombs,	Henry, Conn.	Mutchler,	Tirrell,
Cooney,	Hepburn,	Needham,	Tompkins, Ohio
Cooper, Wis.	Hildebrandt,	Nevin,	Tongue,
Currier,	Hill,	Newlands,	Van der Vort,
Curtis,	Howell,	Olmsted,	Vreeland,
Cushman,	Hull,	Parker,	Wanger,
Dahle,	Jack,	Patterson, Pa.	Warner,
Darragh,	Jackson, Kans.	Payne,	Warnock,
Davidson,	Jackson, Md.	Pearre,	Watson,
De Armond,	Jenkins,	Perkins,	Weeks,
Deemer,	Jett,	Pou,	Williams, Ill.
Dick,	Jones, Va.	Powers, Me.	Woods,
Dougherty,	Jones, Wash.	Prince,	Wright,
Dovener,	Kern,	Ray, N. Y.	Zenor.
Draper,	Ketcham,	Rixey,	
Driscoll,	Knapp,	Robb,	
Eddy,	Lacey,	Robinson, Ind.	

ANSWERED "PRESENT"—9.

Bartlett,	Hay,	Powers, Mass.	Trimble,
Cochran,	Norton,	Shackleford,	Young.
Fitzgerald,			

NOT VOTING—68.

Allen, Me.	Cousins,	Holliday,	Roberts,
Bankhead,	Cromer,	Hopkins,	Scott,
Bartholdt,	Crowley,	Irwin,	Shattuc,
Beidler,	Dayton,	Kluttz,	Shelden,
Bellamy,	Esch,	Knox,	Smith, Iowa
Belmont,	Finley,	Kyle,	Smith, H. C.
Benton,	Flood,	Landis,	Smith, Wm. Alden
Bingham,	Foss,	Mercer,	Southard,
Boreing,	Fowler,	Meyer, La.	Southwick,
Breazeale,	Gaines, W. Va.	Neville,	Spight,
Brick,	Glenn,	Otjen,	Storm,
Broussard,	Graff,	Palmer,	Sulzer,
Bull,	Graham,	Polk,	Swanson,
Burkett,	Griggs,	Pugsley,	Taylor, Ohio
Burleigh,	Grosvenor,	Reeder,	Taylor, Ala.
Capron,	Hemenway,	Reeves,	Thomas, N. C.
Corliss,	Hitt,	Rhea, Va.	Tompkins, N. Y.

So the motion to recommit the bill with instructions was rejected.

The following additional pairs were announced:

On this vote:

Mr. BURKETT with Mr. RHEA of Virginia.

Mr. BARTHOLDT with Mr. BELLAMY.

For this day:

Mr. YOUNG with Mr. BENTON.

Mr. FOWLER with Mr. GLENN.

The result of the vote was announced as above stated.

The bill was passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. MAHON. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. OLMSTED in the chair, and proceeded to the consideration of the Private Calendar.

JERONEMUS S. UNDERHILL.

The CHAIRMAN. The first bill in order is the bill (H. R. 1795) for the relief of Jeronemus S. Underhill.

The bill was read, as follows:

Be it enacted, etc., That the claim of Jeronemus S. Underhill for further compensation for the construction of the light-draft monitor *Modoc* may be

submitted by said claimant, within six months after the passage of this act, to the Court of Claims under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however,* That the investigation of said claim shall be made upon the following bases: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the light-draft monitor *Modoc* in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further,* That such additional cost in completing the same and such changes or alterations in the plans and specifications required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further,* That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided,* That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further,* That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further,* That if any such changes caused less work and expense to the contractor than the original plans and specifications, a corresponding deduction shall be made from any allowance which may be made by said court to said claimant.

Mr. MAHON. Mr. Chairman, this bill is in terms exactly like the other bills which have passed this House in regard to claims that have been pending before the Department and Congress for years. The last Congress disposed of a few of these cases. If nobody desires to debate this bill, I ask that it be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. I should like a little more information about the bill.

Mr. MAHON. I yield to the gentleman from New York [Mr. SHERMAN].

Mr. MOODY of Massachusetts. Will the gentleman from New York permit me to make a suggestion?

Mr. SHERMAN. Certainly.

Mr. MOODY of Massachusetts. I observe that this bill and the one following it on the Calendar are exactly of the same character, and I suggest to the gentleman whether it might not save time to have both bills considered at the same time.

Mr. MAHON. I have no objection.

Mr. MOODY of Massachusetts. Then I ask unanimous consent that the next bill be read and considered in connection with the pending bill.

Mr. CLAYTON. I object to that. I think that would be rail-roading things through too fast.

Mr. SHERMAN. Mr. Chairman, after the historic and very remarkable victory of the *Monitor* over the *Merrimac* during the civil war it was thought advisable by the Navy Department to construct a large number of vessels somewhat similar to the *Monitor*, and in the year 1863 contracts were made providing for the construction of 20 such vessels, one of which was the *Modoc*, the vessel named in this bill.

After the letting of the contracts, the contractor was advised by a representative of the Navy Department that it was the desire of the Department to take advantage of the knowledge gained from the battles taking place from time to time, and from the experience derived from the action of vessels already constructed as to the value of this class of vessels, and that therefore it would be desirable that such changes as might be thought wise should be made from time to time in the specifications with reference to the vessels contracted for.

The contract with Mr. Underhill provided that this vessel should be begun in June, 1863, and should be finished in December of the same year, the contract price being \$395,000. The contract contained the provision that \$4,500 should be deducted for every month of delay in the completion of the work beyond the contract period, and an additional allowance of \$4,500 for every month that might be saved in the time of the completion of this work would be paid the contractor, showing how important it appeared to the Government that this vessel should be completed at the earliest possible moment.

As a matter of fact the *Modoc* was not completed for eighteen months, or until June, 1865, or after the close of the war.

The specifications were materially changed in most important respects. There is no question—there never has been any question raised at any time—that the contractor in this case or in any similar case was in the slightest degree responsible for the delay from 1863 to 1865 in the completion of the vessel. The Department at all times assumed, and it assumes to-day, full responsibility for the delay that was caused.

Immediately after the contract was let, and in August, 1863, this contractor received from the representative of the Navy Department a letter in which the representative, Mr. Stimers, stated the following:

The building of ironclad steamers is a novelty in this country as in every other. It is therefore impossible to make a complete general plan and to write complete specifications at one date which will satisfy all the requirements subsequent experience and study point out, the more especially as the fleet already in service is actually engaged with the enemy and developing

rapidly the weak points of the original constructor. The Navy Department, however, desires that vessels now completing shall have incorporated in them all the improvements which our experiences and study of the subject shall point out.

That course was followed and the plans were changed from time to time to a most material extent, and the contractor was absolutely stopped in the continuance of his work for months at a time.

In 1887, in response to an inquiry from the then chairman of the War Claims Committee, Mr. Butterworth, the representative of the Navy Department wrote a letter in which he stated the following. The letter is under date of January 27, 1887, and it says:

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and material and requiring longer time for execution. This increased length of time involved greatly increased cost of the work to the contractors, owing to the delay and rapidly increasing rise at that date in the cost of material and labor.

Let me inject right there, Mr. Chairman, that during the period from the letting of the contract to the completion of the work the price of iron increased from \$60 per ton to \$225 per ton, and the price of labor increased over 40 per cent. The letter continues:

The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and as a result the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of prices.

I might elaborate to a considerable extent upon this branch of the subject and demonstrate conclusively, beyond the possibility of doubt, that the Navy Department assumes every particle of responsibility for all delay and admit that that delay caused by them involved an enormous additional cost to the contractor.

Now as to the compensation. There have been three boards provided to examine into this subject. The first—the Gregory board, appointed by the Secretary of the Navy—allowed certain additional amounts to this contractor and other contractors. These amounts allowed were paid, but they provided simply for payments to the contractor at the contract prices for the additional amount of labor and material that went into this work, disregarding absolutely the question of the advance in the material and advance in labor at a time beyond the period when the contract work would have been completed had the contractor been allowed to proceed with his work without interference from the Navy Department.

After the close of the war another board was appointed in pursuance of a resolution by the Senate, called the Selfridge board, and before the board certain claimants presented their claims for additional compensation, and this claimant was invited to present his. For the reason that his work had not then been accepted this claimant did not present to the Selfridge board any claim, so that whatever action the Selfridge board may have taken it had no effect whatever upon the case which we are now considering.

Thereafter, in 1887, in pursuance of Congressional action, there was appointed a board, called the Marchand board, and before that board the claims of these several contractors was presented, and the claim of this contractor, Mr. Underhill, was presented before that board, and that board made a finding.

The resolution providing for the formation of that board specifically stated and defined its duties. They were called upon to report to Congress a tabulated statement in each case, which should contain the "name of the contractor, the description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of increased cost caused by the delay and action of the Government aforesaid, and the amount already paid the contractor over the contract price."

Before that board this claimant, Underhill, presented his claim. That board made a report. The report did not comply with the terms of the resolution. That board did not make findings that the resolution required it to make; but, on the contrary, it made a tabulated report which contained the whole increased cost of the work over the contract price (that is what the resolution provided), as claimed by the contractor, not as proved before them; not as adjudged by them to have been proved, but simply the amount claimed by the contractor; or, in other words, simply made a tabulation of the claims made before them by the several contractors, this contractor among them.

The resolution provided that the amount of such increased cost caused by the delay and action of the Government should be stated. Now, the board, instead of making findings as specifically required to do—finding the amount of such increased cost caused by the action of the Government as determined by this board to be due upon the matter which had been in fact submitted to them—they never took actual proof.

So that we come down to the present time without ever having any adjudication of this particular case as to the merits of the claim of this contractor for the additional cost to him of completing the work in its changed, altered, enlarged condition, an addi-

tional cost brought about, not by changes of the contract of the specifications, but more particularly in the delay caused by the Government in the completion of this work; and this bill simply provides that this contractor be allowed to go to the Court of Claims and prove before that court what the additional cost was by reason of the Government causing delay in the completion of that work, in the change of the specifications, the delay which caused the additional cost of materials, additional price of labor; and with the provision in the bill now the Court of Claims shall take into consideration whether that additional cost for labor and material might have been avoided by the use of the reasonable care and foresight that should have been exercised by a prudent business man.

Mr. SIMS. I want to ask the gentleman a few questions, and I think it will develop the facts better than any speech. Now, in the first place, these contractors got all the Government agreed to pay them. Is that not correct?

Mr. SHERMAN. They got all the Government agreed to pay them for work the Government originally contracted to receive at fixed prices, but they had agreed to finish the work before a certain time, when the price for the materials which they agreed to furnish were from 40 to 200 per cent less than they had to pay because of the delay.

Mr. SIMS. The Government changed the specifications, which caused the delay?

Mr. SHERMAN. They did; and there was further delay while waiting developments.

Mr. SIMS. Now, then, was not the question of additional cost caused by reason of these delays considered and paid for by the Secretary of the Navy?

Mr. SHERMAN. This was paid by the Government, and this only. The Government considered the amount of additional material and additional labor that went into that work at the prices fixed by the contract, and that price covered a period from June, 1863, to December, 1863, while in fact the material and the work were furnished not from June to December, 1863, but down to June, 1865, after the close of the war, and after the time that the material and labor increased in price from 50 to 200 per cent.

Mr. SIMS. I understand that you admit that the Government did pay the additional compensation?

Mr. SHERMAN. Admit that the Government paid some additional compensation; yes.

Mr. SIMS. Is not that the usual way for the Department to do about these things?

Mr. SHERMAN. It is the usual way that the Department does these things.

Mr. SIMS. When the contractors take these contracts do they not take them with due notice that such will be the case?

Mr. SHERMAN. That was not done in this case. There was no such provision in the contract, and nothing of the kind was suggested.

Mr. SIMS. Was not that question submitted to the Gregory board by the contractors?

Mr. SHERMAN. This claimant submitted nothing to the Gregory board at all.

Mr. SIMS. The Gregory board of the Navy Department considered all these cases. I understood you to say that this was submitted to the Selfridge board.

Mr. SHERMAN. Neither the Selfridge board nor the Gregory board considered this case. The Marchand board considered this claim.

Mr. SIMS. I understood that this case was submitted to the Gregory board.

Mr. SHERMAN. I beg your pardon. I misspoke myself. The Gregory board did consider Mr. Underhill's contract, and they did make him an allowance.

Mr. SIMS. What did the Gregory board base that on.

Mr. SHERMAN. They based it on the amount of the additional material and the additional work required to do the contract work at the contract price, disregarding the element of time.

Mr. SIMS. Did they not make an award for an additional price over and above the contract?

Mr. SHERMAN. They made an award for additional material and additional labor that went into the work at contract prices, but not at the prices that existed at the time the labor was done and the material furnished.

Mr. SIMS. Was not that paid accordingly?

Mr. SHERMAN. No, sir; it never has been paid.

Mr. SIMS. The amount that the Gregory board found was paid?

Mr. SHERMAN. Oh, yes.

Mr. SIMS. Now, then, did not the contractor sign a receipt in full of all demands when he got that pay?

Mr. SHERMAN. I think not. I think he has never signed a receipt in full. In any event, this bill provides that whatever he has received shall be credited to the Government when this is adjudicated.

Mr. SIMS. Did he not only accept the award but sign a receipt in full of all claims?

Mr. SHERMAN. He signed a receipt, but I do not know whether it stated "in full" or not. I have not a copy of it. Perhaps my friend from Pennsylvania can tell you.

Mr. SIMS. Did he not afterwards lay his matter before the Marchand board, and did not they find that nothing was due him?

Mr. SHERMAN. They did; but that question was never submitted to the Marchand board. The Marchand board had no right to pass upon that question. They had no authority to pass on the amount due him. The Marchand board was authorized to examine and report on such increased cost caused by the delay and action of the Government; that is all. But that is not what they found.

Mr. SIMS. That was what was submitted to them.

Mr. SHERMAN. That was what was submitted to them to ascertain. They reported the amount as determined by the Marchand board to be due. The Marchand board had no authority to determine anything of that kind. Nobody knows what the Marchand board took into consideration or how they reached their conclusions upon the evidence they had before them.

Mr. SIMS. What was the report of the Marchand board on this claim?

Mr. SHERMAN. They reported that the board determined nothing to be due. They say "the amount of such increased cost caused by the delay and action of the Government as determined by this board to be due"—"nothing."

Mr. SIMS. The Marchand board was a board appointed by the Navy Department?

Mr. SHERMAN. Under a resolution of Congress.

Mr. SIMS. And that board has acted upon it and reported nothing due?

Mr. SHERMAN. Nothing of the kind. It did not report in accordance with the resolution. It went beyond its authority and reported something not submitted to it, and reported upon something that nobody asked them to report upon, and nothing was submitted as evidence in proof of what they found.

Mr. THOMAS of Iowa. Will the gentleman from New York permit a suggestion?

Mr. SHERMAN. Certainly.

Mr. THOMAS of Iowa. Was not the Marchand board appointed by a joint resolution of both Houses, and not by the Senate alone?

Mr. SHERMAN. Yes. It was the Selfridge board that was created only by the Senate resolution.

Mr. THOMAS of Iowa. Now, if the gentleman will pardon one further question. Did not the Baldwin court subsequently take this question into consideration, as well as the former board?

Mr. SHERMAN. The Baldwin board? The one preceding a bill which General Grant vetoed, does the gentleman mean?

Mr. THOMAS of Iowa. I think so.

Mr. SHERMAN. The Marchand board is the last one that considered the *Modoc* claim.

Mr. THOMAS of Iowa. I do not remember whether this was the one subsequent to the Marchand board or not. It was appointed by the Secretary of the Navy.

Mr. SHERMAN. I think the Marchand board is the last board that considered this claim.

Mr. SIMS. Now the reason I am asking the gentleman these questions is to develop the facts in the case, because there are two or three claims like this, and this will avoid a discussion of them, and we want to understand it. I do not want to make any speech, but I want the facts to come out.

Mr. SHERMAN. There is no one more desirous than I am to let the real facts be known to the House in their entirety, so that whatever action is taken shall be understandingly.

Mr. HAMILTON. Will not the gentleman from New York restate what this claim is?

Mr. SHERMAN. This claim is to permit the contractor for the construction of the *Modoc* to go before the Court of Claims and there prove what additional cost this work was to him by reason of the fact that the United States delayed him in the completion of the work. During the period covered by the delay, an additional year or more, the price of labor and material advanced from 40 to 200 or 300 per cent, and for that advanced cost, caused solely and admittedly by everybody by the act of the Government, this claimant asks to be reimbursed, and that is all there is in this case.

Mr. HAMILTON. Whatever reimbursement is had—

Mr. SHERMAN. The bill provides that he shall be charged in the settlement of the case with all that he has heretofore been paid—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERMAN. Was I not recognized without limitation as to time?

The CHAIRMAN. The Chair understood that time was yielded to the gentleman from New York by the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. How much more time does the gentleman want?

Mr. SHERMAN. No doubt five minutes will be sufficient.

Mr. MAHON. I yield to the gentleman.

Mr. SIMS. I want to ask the gentleman from New York this question: If we pass this bill or any bill like it, in which we give compensation for increased cost of material due to delay, will it not establish the precedent that the contractor in such cases takes no risk of that sort and that the Government in all these cases must pay?

Mr. SHERMAN. It establishes no precedent, for the precedent has already been established by at least three former Congresses in passing bills in which the principle involved was identical with this.

Mr. SIMS. I want to state very frankly to the gentleman from New York that I do not believe these other bills ought to pass, nor this one; but I want to say in all candor that I think this claim is just as good as either of them, and the next two on the Calendar are just as good as this.

If we are bound by the action of former Congresses, it would be absolute injustice not to pass these bills; but I think former Congresses have established bad precedents. I shall vote against these bills.

Mr. SHERMAN. I have said all I desire to say. I move to lay the bill aside with a favorable recommendation, unless some other gentleman desires to be heard.

Mr. DE ARMOND addressed the Chair.

The CHAIRMAN. The Chair will say to the gentleman from Missouri [Mr. DE ARMOND] that the gentleman from Pennsylvania [Mr. MAHON] has control of the floor at present.

Mr. MAHON. How much time does the gentleman want? Will ten minutes suffice?

Mr. DE ARMOND. Yes, sir.

Mr. MAHON. I yield to the gentleman.

Mr. DE ARMOND. Mr. Chairman, I do not care to go into the details in relation to this bill. I desire merely to call the attention of the Committee of the Whole to the general policy involved. This claim is nearly forty years old. According to the statement of the gentleman from New York [Mr. SHERMAN] there was opportunity to have it passed upon by the Selfridge Board, but for some reason which the gentleman does not know, but which he ought to know, the claim was not presented.

The bill is a peculiar one in its phraseology and make-up. It binds the court to make just such investigation in just such a way as the claimant desires. The claim has been settled—settled more than once, settled a generation ago—and now it is to be referred to the Court of Claims to find certain things, after the evidence for the opposing side is doubtless gone, and when those things can be made to appear which will take \$200,000 or \$300,000 out of the Treasury, without any reference to the merits or demerits of the proposition.

There ought to be an end of these old claims. There ought to be a time when the people of the United States should no longer be called on to pay these huge claims, trumped up after everybody who knows the facts which would refute and overthrow them has passed off the stage of action or is no longer to be found.

This is an industry which thrives and flourishes. On the one side there is the promise—and if bills be drawn and passed as this is, the absolute assurance, without reference to merit—that anywhere from \$100,000 to \$1,000,000 can be taken out of the Treasury at no greater expense than that involved in getting testimony to make a sort of *prima facie* case. The bill makes no provision for the other side—the United States.

Now, while this process is going on, hundreds and thousands of meritorious claims, small in amount, and therefore not having behind them that machinery and force necessary to put them through—small claims in regard to the justice of which there can be no question—are allowed to lie by and to die. Small claimants go down to their graves, while the money is in the Treasury to pay them, and with no question as to their right to draw it from the Treasury, if a little legislation, as to the propriety of which there ought to be no question, were passed.

But such claims have to lie by. Year after year, generation after generation the claimants for small amounts go down in penury to their graves, while these huge claims, based upon no merit, grown over with the mold of years, claims settled and supposed to be out of sight long ago, are dug up now merely to filch something from the Treasury which does not belong to the claimants, and through they go.

Nobody can read this bill—with all deference to the gentleman who prepared it and the gentleman who reported it—nobody can read this bill without being satisfied that the purpose is really to tie the court, to put the court to the work of finding out certain things which the claimants wish to have found out, and

to bar the court from the opportunity or right to find out other things which ought to be found out, and which if established, as they probably could be, would overthrow speedily every pretense of merit in this claim. I do not know that there is any use in discussing these things. I do not know that there is any use in calling the attention of the House to them. It is notorious that a large claim, backed by persons of strong influence, can get through here, no matter how greatly lacking in merit, while small claims depending upon merit alone have a very slender prospect.

For one I am opposed to any such legislation as this. There is no equity in it, there is no justice, there is no propriety in it. The gentleman from New York [Mr. SHERMAN] says we will not be establishing a precedent, that three have been established. Again we have this sacred cry of precedent—a wrong once done is to be made the reason for the continuation of wrongdoing. It is a lame argument that gentlemen offer, a lame excuse that they bring forward when they have nothing better. "What is the reason for this action; what is the merit of this claim; what is the propriety of what you ask?" "Oh, there is a precedent for it." A precedent has been established, and in the sacred name of precedent raid the Treasury, tear down the bars that ought to be up for the protection of the people. Throw to the winds the old settlements made when the transactions were fresh and people knew all about them, and do reverence to the authority of precedent, and allow the claimant to have what he asks and in the way he asks it.

It is strange that this claim never came before the Selfridge board when everything was fresh, when people then living knew about it, and with records then at hand could easily have been brought forward to defeat an unjust claim. Then it was not thought advisable to bring it forward, but now, thirty-five or forty years after the transaction, a bill curiously framed, artfully framed, is to be put through the Congress, merely "submitting the claim to the Court of Claims, not providing for its payment, not appropriating a dollar out of the Treasury," gentlemen say, but leaving it to the Court of Claims in such a way and manner, with such questions only submitted, that the finding of the court, not according to equity and merit, but according to the case which the claimant makes for himself, can be but one way. For one I am opposed to it.

Mr. MAHON. Mr. Chairman, I think the gentleman from Missouri is a fair man, intelligent, and a good lawyer; and when he says there is no merit in these claims it shows that he has not given them the long, hard study necessary to enable him to get at all the facts.

Now, there are three of these claims on this Calendar; this and two more; and I am going to read a brief extract from the Hon. G. V. Fox, Assistant Secretary of the Navy, which is published in a document of this House, and which I think will satisfy the gentleman that these contractors are not to blame. This matter has been in the Navy Department and before these different boards, and if the claim is old it is not the fault of the contractor, who has been presenting it for forty years. It is the fault of the Government in not urging it to a more rapid passage. Now, this Congress has submitted bills in exactly the same terms. This is an exact copy of bills that the House and Senate have sent to the President, and that he has signed. The courts have examined other cases where the United States appeared by attorney, and after a fair, full hearing the court awarded to the claimants the amounts found to be due or else found that nothing was due.

This is a letter written December 15, 1864, by Hon. G. V. Fox, Assistant Secretary of the Navy, and addressed to the chairman of the Committee on the Conduct of the War:

Having accepted the undertaking to build these vessels, the several parties named made arrangements accordingly, having the yards, machinery, etc., necessary therefor, and entered into contracts for the necessary materials, based upon the contracts with the Government, and commenced the work on the several vessels named. About this time, Chief Engineer of the Navy Stimers having returned from Charleston, where he had been sent to make observations as to the conduct of Ericsson's monitors in battle, a consultation was had at the Navy Department, in which (quoting from Mr. Stimers's evidence)—

"The matter was discussed as to whether we had better build our vessels in strict accordance with the letter of the contracts which we were giving out, without any change whatever, or had better take advantage of every such right and make improvements as we went along, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he thought following this course would probably entail an extra cost of a million of dollars for each battle where the monitors were engaged. Well, it was decided that that course should be followed. The contracts for the light-draft monitors, of which the *Ellah* was one, had already been drawn, specifications, general drawings, etc., of the original plans, but we went immediately to work to make changes on them in accordance with what I have already explained as the policy to be pursued. You will understand, therefore, why it was that I should send constant instructions to Mr. McCord, directing him to make his vessel different from what he had contracted to do; why I sent him drawings that differed from those specified in the contract. You will find, too, that these might be very material, as they certainly were. The acts, therefore, which I performed, which affected Mr. McCord and affect this case, were to direct him to make a different vessel from the one he contracted to do.

"Acting upon this theory, the Department commenced forwarding to the contractors orders for changes and drawings before even the keel was laid, and these changes, which in the aggregate affected all parts of the vessel,

making in the end almost entirely different vessels, were continued, and the drawings furnished therefor for nearly a year and a half after the time specified in the contract for their completion had elapsed, and from the 23d of June, 1864, for about the period of three months, work was suspended altogether upon these vessels by the orders of the Navy Department, which had then in contemplation some general changes in their construction which required time to perfect. All of this time, however, the contractors were under heavy expenses for the maintenance of the yards and men, whom they dared not discharge for fear of inability to supply their places, and not knowing on what day their services would be required.

"In addition to all this, the prices of labor and materials required for the work, and for which the contractors had made provision during the time of the contracts, rapidly advanced, so that, as found by the Committee on War Claims of the first session of the Forty-third Congress, iron that at the date of the contracts was worth \$65 per ton advanced during the prolonged time to \$220 per ton, and labor from \$2.50 per day to \$4 per day.

This is the statement of the constructor and the designer of these ships. Now, all these people ask is that they shall be allowed to go into court and have this matter inquired into.

Mr. Chairman, I am ready for a vote.

Mr. GAINES of Tennessee. I want to ask the gentleman how it is that this claim has been pending here for forty years and has not been paid, if it is a meritorious claim, as the gentleman asserts?

Mr. MAHON. Just as hundreds of others from your State have not been paid, which I will report in a bill after a while. Claims from your State have also been here for forty years for private individuals.

Mr. GAINES of Tennessee. If meritorious, then they should have been paid forty years ago.

Mr. MAHON. Yes; they have simply been delayed by the Government.

Mr. GAINES of Tennessee. They have been delayed because Congress has neglected to attend to the affairs of the people. We have not dealt out justice evenhanded throughout the different sections of the country; Congress has been partial; committeemen and committees have been partial, and the Government, although it has plenty of money to pay, rich as it is, is the slowest debtor of any concern or individual that pays at all. Such a record under such circumstances is a disgrace to the Government, and to the honest claimants an outrage; and Congress, this one and those of the past, have been the wrongdoers.

Mr. THOMAS of Iowa. Will the gentleman yield for a question?

Mr. MAHON. Yes.

Mr. THOMAS of Iowa. How much has already been paid over and above the amount of the contract price in this case?

Mr. MAHON. I want to say to the gentleman that this bill is not for the contract price. It does not ask that any money be paid by the Government. It is simply that these contractors shall have the question investigated as to the amount that is due them for the increase in the price of material and labor during the time that these boats were being built beyond the time when they would have been completed if the contractors had been allowed to go ahead and had not been delayed through the action of the Navy Department. And it is claimed that they have never been paid for the increased material or increased labor.

Mr. THOMAS of Iowa. I think I can gather the purpose of the bill from the bill itself, but I asked the gentleman a question for information, and I would like to get an answer.

Mr. MAHON. I can not tell you unless I were in the committee room.

Mr. THOMAS of Iowa. These men were to be paid over the contract price?

Mr. MAHON. They were paid the contract price. They were paid for the material and extra work done; but the Navy Department, or the boards of the Navy, felt that they were not authorized under the existing law to pay them for the increased price of labor and of material; and that is the way with all of these bills. They have sent them to Congress time and again, and one-half of them have been adjudicated; and the chairman of the Committee on War Claims thinks it is time to send these bills to the Court Claims and have an end to it.

Mr. THOMAS of Iowa. Was not there a complete settlement at one time?

Mr. MAHON. If you build a vessel for the Government and if the Navy Department determined to pay you \$30,000, although it is \$100,000 less than you are entitled to, with your men in your yards and needing the money, they would compel you under duress to sign a receipt in full or you have to wait for fifty years.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. DE ARMOND. I would like to ask the gentleman from Pennsylvania a question. Why was not this matter put in some other form? If this matter is to be referred to the Court of Claims, why is it not referred so that it may be made subject to any defense that may be made against it?

Mr. MAHON. This bill provides fully, so that if these parties are found to owe the Government anything that can be considered

too. It is the same bill that has been passed in Congress for the past ten or fifteen years.

Mr. DE ARMOND. Why do you not simply refer to the Court of Claims the claim of these men? You provide that the Court of Claims shall find as to certain things. Now, no doubt in a settlement there could be taken into account the fact, if a fact, that claimants had to pay more and did pay more for labor and more for material than had been contemplated. That may really be embraced in the settlement made, and made part and parcel of it, and yet under this bill the court may leave that entirely out of consideration.

Mr. MAHON. This subject has been carefully investigated by the Supreme Court. The Government is not restricted. There is full power to carry their case to the court. They can appeal to the Supreme Court on this whole matter, and certainly the gentleman from Missouri would not be afraid to trust the court.

Mr. DE ARMOND. But what I say is, the whole matter can not be heard. The bill does not refer the whole controversy to the Court of Claims, but as to whether a certain extra price was paid for labor and material, and how much, and then provides for a deduction from what already had been paid.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. SHACKLEFORD. I want to ask the gentleman one more question. Why was it not presented at the last Congress?

Mr. MAHON. We did present it at the last Congress.

Mr. SHACKLEFORD. Why was it not passed at the last Congress?

Mr. MAHON. This bill was reported, but it was not reached on the Calendar.

Mr. SHACKLEFORD. Was it not one of those large lot of bills that are brought over from one session to another?

Mr. MAHON. I have no interest in the bill, nor is it from my State. I simply bring it up as a matter reported from my committee.

Mr. DE ARMOND. I desire to ask the gentleman one further question. When did this claim first appear before Congress?

Mr. MAHON. This case was first brought up in the Fifty-first Congress and a favorable report was made on it by the Hon. David B. Culberson, a member of Congress, who presented a full and able report from the Committee on War Claims.

Mr. DE ARMOND. Recommending it at that time?

Mr. MAHON. This particular bill?

Mr. DE ARMOND. This particular bill. I understood it was for another purpose.

Mr. MOODY of Massachusetts. With the permission of the gentleman from Pennsylvania, I would like to give to the gentleman from Missouri a possible explanation of the form of the bill. Upon the reading of the report on a like bill which is to follow, I find that during the delay, which was caused by the change in the plans, the men were there kept under employment for fear if they were dismissed from their employment they could not be regained for that work; and it may be, as the gentleman suggests, for this purpose this bill was expressed as it is; that it should be for such claim as they could maintain.

Mr. MAHON. The gentleman asked when this bill was introduced, and I said it was in the Fifty-first Congress. That was not this bill. I want to be fair. That was a similar bill. The first time this bill came was the Fifty-sixth Congress, and it was reported and placed on the Calendar of this House.

Mr. DE ARMOND. It came in after thirty years.

Mr. MAHON. It has been in the Navy Department all that time.

Mr. DE ARMOND. I want to suggest one other thing about the form of the bill.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. DE ARMOND. I would like to have a little time in my own right, Mr. Chairman.

Mr. MAHON. How much time does the gentleman want?

Mr. DE ARMOND. I only want a few minutes; I am not trying to consume time. I understand that this claim has been pending for thirty or forty years, and it seems to me there is no need of great dispatch. [Laughter.]

Mr. MAHON. How much time does the gentleman want?

Mr. DE ARMOND. Five minutes. I suppose I would have a right to take the floor myself in my own time unless the gentleman asks the previous question on the bill, and it is ordered.

Mr. MAHON. Oh, I would not do that.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. DE ARMOND. Mr. Chairman, I was going to offer a word or two about the form of the bill. I asked the gentleman why it took this form, but he has not told us. There is nothing in the form or substance of the bill that hampers the claimant in any particular; the only party hampered is the Government. There

is nothing in this bill that would preclude the contractor from recovering for the amount paid out on account of increased wages and increased cost of material, although both of those things might have been comprehended in the settlement heretofore made. He might have been paid, might have accepted, and might have been contented with what was allowed him. The court is required to find out how much he paid for labor and material, by reason of delay, in excess of what he otherwise would have paid. It is not required to find out, and it is not permitted to find out, whether the excess payment for labor and material, if any, was comprehended in the settlement made and covered by the extra amount of money paid to him over the contract price.

Now, that is so remarkable a thing that one can hardly think it is a mere happen so. If this claim ought to be referred to the Court of Claims, it ought to be referred for investigation of the whole matter, not merely to find out how much more this claimant paid for labor and for material at a later period than he might have paid at an earlier one, but to determine on all the facts whether the Government really owes him anything in law or equity.

Now, if the object be to have a fair investigation, I see no objection to making the bill general in its terms. If the object is to insure a recovery, without regard to the right to recover, the bill, either by accident or design, is well calculated to accomplish that end.

Mr. CANNON. Mr. Chairman, I want to say a word or two.

Mr. MAHON. How much time does the gentleman want?

Mr. CANNON. Two minutes. As I understand it, and I ask the gentleman from Pennsylvania if the bill is on all fours with what is known as the Selfridge board bills, a number of which have already been paid?

Mr. MAHON. The same principle is involved, except this bill includes nothing except the increase of material and labor.

Mr. CANNON. These bills I refer to—

Mr. MAHON. Include that with other matters.

Mr. CANNON. Well, so far as increase of the price of material and the price of labor is concerned this bill is on all fours with the bills referred to.

Mr. MAHON. Exactly.

Mr. CANNON. How many of them are left?

Mr. MAHON. Three bills before the Committee on War Claims and seven altogether. It appears that some of the owners have died, and we have not been hunting them up.

Mr. CANNON. There are these three, and then you say there are four more?

Mr. MAHON. Yes.

Mr. CANNON. Does that include all of the claims?

Mr. MAHON. All claims of this class. I am informed by the gentleman from Indiana [Mr. HOLLIDAY] that there are seven in both branches.

Mr. CANNON. And those seven include all there are?

Mr. MAHON. Yes; that is right.

Mr. THOMAS of Iowa. Does that include the Selfridge board claims?

Mr. MAHON. No; those are a different class. They have been passed upon by the Selfridge board. The Selfridge board has not passed on these claims.

Mr. CANNON. The Selfridge board was not a board that bound?

Mr. MAHON. No.

Mr. CANNON. Who has passed upon these claims?

Mr. MAHON. Nobody.

Mr. SIMS. The Marchand board has passed upon them.

Mr. MAHON. The Marchand board did not pass upon them. The gentleman is on the Committee on War Claims and he ought to know the authority of that board did not permit it to pass upon these claims.

Mr. SIMS. I will take the statement of the gentleman from New York [Mr. SHERMAN].

Mr. MAHON. The gentleman from Tennessee ought not to be ignorant of the facts about the Marchand board.

Mr. SIMS. And the gentleman from Pennsylvania does not care to have me expose my familiarity with this matter—

Mr. MAHON. The gentleman can expose it as much as he pleases, and perhaps it will rebound very effectually.

Mr. SHERMAN. This particular bill was not referred to the Selfridge board because at the time that board was in existence the work on this vessel had not been completed and accepted.

Mr. SIMS. Did not the gentleman say that the Marchand board considered this matter?

Mr. SHERMAN. I did.

Mr. SIMS. That is the way I understood the gentleman; and I correctly repeated a few moments ago what the gentleman had said.

Mr. CANNON. I must say that from time to time I get these

different boards mixed up. In former years I did what I could on two or three occasions to examine these questions, some of them arising under one board and some of them under another. But as the years run round I forget the particulars of the individual cases; and as to taking them up now and examining them anew, it would require very considerable work. I know that a number of these claims, against what little opposition I was able to make on one occasion here for two or three hours, were passed.

Now, if this is a bill of the same class as those that have heretofore been passed—if the same questions are involved in whole or in part—I think this bill is wrong. But if the gentleman expects me to exhibit that familiarity with this case which one ought to have in order to discuss a bill of this kind, I simply say I am unable to do so without taking one or two or three days, as the case might be, in looking up the facts. So that in the present condition of things I shall content myself with voting against this bill on general principles.

Mr. SIMS. I do not think that this bill is one whit worse than the others of the same class that have been passed. In their nature these claims are all alike. Although the particular facts are not the same, they all seem to be about alike in their general nature and scope, regardless of what board ever considered them before.

Mr. CANNON. The other bills contained legislative provisions, as this bill does, for sending certain matters to the Court of Claims. If the other bills were right, this is right, I presume; if the others were wrong, this is wrong.

Mr. SIMS. I do not know anything about the legislative provisions contained in the bills heretofore passed; but so far as the merits are concerned these bills seem to be just as good as any of the rest; but I do not think the others were good enough to be voted for; and I do not think this is.

Mr. CANNON. As I voted against the others, all I can do, with my present knowledge and recollection as to the particular matters of objection against the other bills and against this, is to content myself with voting against this bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported with a favorable recommendation?

The question being taken, there were—ayes 51, noes 34.

Mr. DE ARMOND. I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count the committee.

After a count—

The CHAIRMAN. There are 132 members present—more than a quorum of the Committee of the Whole. The motion to lay aside the bill with a favorable recommendation is agreed to.

ATLANTIC WORKS, BOSTON, MASS.

The next business was the bill (H. R. 4003) for the relief of the Atlantic Works, of Boston, Mass.

The bill was read, as follows:

Be it enacted, etc., That the claims of the Atlantic Works, of Boston, Mass., for further compensation for the construction of the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus*, may be submitted by said claimant, within six months after the passage of this act, to the Court of Claims under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however,* That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus* in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further,* That such additional cost in completing the same and such changes or alterations in the plans and specification required and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further,* That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided,* That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further,* That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel and turrets shall be deducted from any amounts allowed by said court, by reason of the matters hereinbefore stated: *And provided further,* That if any such changes caused less work and expense to the contractor than the original plans and specifications, a corresponding deduction shall be made from the contract price and the amount thereof shall be deducted from any allowance which may be made by said court to said claimant.

Mr. MAHON. I yield to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Chairman, this bill was introduced by my colleague [Mr. ROBERTS], who is now absent upon public duty connected with the Committee on Naval Affairs, of which he is a member. The case is "on all fours" with that which the committee has just passed. This bill is, I believe, verbatim the bill that was presented by the gentleman from New York [Mr. SHERMAN]. In every respect the two cases are alike. In view, therefore, of the lucid and accurate statement made by that gentleman and by the gentleman from Pennsylvania [Mr.

MAHON], the chairman of the Committee on War Claims, I think I ought not to detain the committee for a moment. I do not see that I can assist members in any way in dealing with the question, and unless some one desires to make an inquiry I will ask to have a vote on the bill.

Mr. DE ARMOND rose.

Mr. MOODY of Massachusetts. I yield to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, the gentleman from Massachusetts [Mr. MOODY] has given as the reason for passing this bill the fact that a bill just like it has been passed. Will the gentleman do what has not yet been done—give us some reason why this bill should pass, or why the other should have passed? Nobody has given any reason why the other bill should have passed. Now, will not the gentleman from Massachusetts delay the proceedings long enough to give us a reason why this should pass, and particularly in the form in which this bill is drawn? I ask the gentleman—and I trust he will be candid enough to answer—why he thinks this bill should include such a provision as the following:

That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus* in the completion of the same by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work.

I ask the gentleman whether he does not understand this provision to limit the Court of Claims to an inquiry upon those particular questions and to ignore in the consideration all defenses that might be made based upon the actual merits of the case?

Mr. MOODY of Massachusetts. I can only reply that such information as I have in regard to this case has come to me since the opening of to-day's session of the House, because I anticipated that my colleague would be present to look after the bill. It is, however, no fault of his, as imperative public duties have called him elsewhere.

I understand the immediate reason for selecting this form of bill is that it is the form which passed the Fifty-first Congress in some four cases. Why the form was originally selected in that way I can not tell, but I presume it was to bring before the court exactly the question which the claimants intended that the court should pass upon, and if there had been any objection to it on the part of the Navy Department or on the part of the committee I presume that objection would have made itself manifest in an amendment; but I think the gentleman from Missouri ought to take into account the provisos in this bill, which follow that part of it which he has read, because they limit very carefully what can be done.

Let me call the gentleman's attention to the fact that in the first place the delays must have been occasioned by the Government of the United States, and the court must so find. In the second place, nothing can be allowed for advances in the price of labor or material, unless such advance could not have been avoided in the exercise of ordinary prudence and diligence. In the next place, if the price of these alterations were specifically agreed upon, that agreement shall be conclusive. In the next place, it must appear that the alterations conformed exactly to the specifications furnished by the Government. In the next place, it is provided that if there has been ever any money paid to the contractor above the original contract price, it shall be deducted from the judgment of the court. In the next place, it is provided that if the changes in the specifications resulted in decreasing the cost to the contractor, that decrease should be deducted from the judgment of the court.

Now, I can not say exactly why this particular form of bill was adopted, any further than I have already stated; but I confess that it seems to me to have been exceedingly carefully drawn in the interests of the Government, if the policy of paying these claims is recognized at all.

Mr. DE ARMOND. Now, let me ask the gentleman this question: Can he imagine why there was left out of this a provision to the effect that if these matters were submitted to a board and passed on and the subject of controversy settled, that the settlement should not be disturbed?

Mr. MOODY of Massachusetts. Well, I suppose the reason is because Congress heretofore has acted contrary to that principle. The gentleman from Missouri does not remember it, but I remember a case, not like this, a case that I thought less strong than this. I opposed it upon the floor. I made a very careful examination. I went up to the Navy Department and examined the question there. It seemed to me then that settlements should be respected, that it was unwise to open settlements that had once been made and inquire whether they were right or wrong; but by an overwhelming majority, on both sides of the House, the Committee of the Whole, followed by the action of the House, decided against me upon that subject. From that time forward I have voted for

these bills as reported by the Committee on War Claims, thinking that the great majority of both sides of this House were wiser than I.

Mr. CRUMPACKER. Let me ask the gentleman a question. Was this claim ever before a board for adjudication?

Mr. MAHON. No.

Mr. MOODY of Massachusetts. I do not know personally. I understand from the gentleman from Pennsylvania [Mr. MAHON] that it was not.

Mr. CRUMPACKER. I so understood, and therefore made that suggestion, and I presume that is the reason why that provision was not put in the bill, because there has been no adjudication of this claim by any board.

Mr. MOODY of Massachusetts. I can only state that upon information. I am told that that is so. Certainly there was no investigation by the Marchand board, because the committee has reported upon that subject very specifically in these words:

We think it demonstrable beyond all question that the Marchand board did not have authority to adjudicate these claims, that it did not accord to the claimants the opportunity to present their cases, etc.

Mr. HILL. I should like to inquire, Mr. Chairman—

Mr. MOODY of Massachusetts. May I be permitted to answer the interrogatories of the gentleman from Missouri [Mr. DE ARMOND], if he has any further questions?

Mr. DE ARMOND. Can the gentleman from Massachusetts state when this claim first appeared before Congress?

Mr. MOODY of Massachusetts. I can not. It has been in Congress ever since I have. I know that, because, while not in my district, and while I have not in any way represented the claim, it has been constantly called to my attention.

Mr. DE ARMOND. I will ask the gentleman from Massachusetts whether, if this matter is to be submitted to the Court of Claims, the whole case ought not to be submitted?

Mr. MOODY of Massachusetts. Mr. Chairman, I would say that I would not wish to alter a bill that is drawn with so much care by the Committee on War Claims. Neither would I wish this case submitted to the court under restrictions that did not obtain in the case which has just preceded it, which is upon all fours with it. As an original proposition, I think I should be with the gentleman from Missouri on that question.

Mr. DE ARMOND. The gentleman suggests that this bill was drawn with great care by the Committee on War Claims. I wish to ask him if he does not think that is an undeserved compliment? In the first place, the original bill was undoubtedly prepared by its author for the purpose of submitting to the Court of Claims exactly what he desired to have submitted to the Court of Claims and for the purpose of excluding from the consideration of the Court of Claims just what he desired not to have considered, and he being successful in Congress and later on in the Court of Claims, it simply became a matter for the work of a copyist.

Mr. MOODY of Massachusetts. Well, I think that is so. I think my answer is fairly open to the gentleman's criticism. But I presume, in the first place, it was drawn with great care by someone when the bill was presented before the Fifty-first Congress.

Mr. DE ARMOND. There is no question about that, and I think the purpose of the bill is perfectly apparent from the bill itself. I will ask the gentleman from Massachusetts whether he does not think that the original author of the bill knew what he was doing when he did it, and if he did not draw it for the purpose of having submitted to the Court of Claims what he desired to have submitted and for the purpose of not having submitted to the Court of Claims exactly what he did not desire to have submitted.

Mr. MOODY of Massachusetts. What I could say upon that subject would be mere conjecture; but my experience would lead me to believe that this was probably the fact, that the first paragraph of the bill was in all likelihood prepared by someone representing the claimant, but that these provisos were put in by the committee, perhaps on the suggestion of the Navy Department, for the purpose of guarding the interest of the Government in the bill. That is mere conjecture, however. I know nothing about it.

Mr. DE ARMOND. Does it not look more reasonable that these provisos were put in by the original claimant or his representative in order to prevent someone in this House from making the same suggestion and criticisms in regard to it that would certainly have been made if those amendments had not been placed in the bill? Has that occurred to the gentleman from Massachusetts?

Mr. MOODY of Massachusetts. That is possible. I know nothing about it.

Mr. DE ARMOND. Is not that probable?

Mr. MOODY of Massachusetts. Well, I do not know. I hardly think I can pass on that question.

Mr. DE ARMOND. Does not the gentleman think that the bill should be so amended that the whole question could be submitted to the Court of Claims, instead of the narrow question which the claimant has called up?

Mr. MOODY of Massachusetts. I will make the suggestion to the gentleman from Missouri that by reading this report he would find that such a procedure would open up a very much larger claim which is not opened by this bill, and that is for the cost of the holding in employment during the long time in which this work was suspended by the Government of the men who were necessary for its continuation when the Government resumed it. That, I have no doubt, is a very large item. Now, the claims for the work upon these monitors are not large in number. There were only 20 of them.

All except seven have been sent to the Court of Claims and the claims paid. Three of those seven are now on the Calendar, and there is no question but that the delay in their construction, which gave rise to these claims, was caused by the action of the Government. The Government appointed a commission. The moment the first monitor came out and it was found to be a complete failure the Government ordered work suspended on all the monitors and appointed a commission to make changes, and the plans were changed over and over again, and in the meantime these various shipbuilding concerns kept their men in their employ, and I should hardly wish to reopen a claim of that kind at this time.

Mr. DE ARMOND. Do you think that this claim would be broad enough to leave it in the power of the court to take in account the amount paid out on this account at the time. Would you not include that kind of a proviso?

Mr. MOODY of Massachusetts. Well, it had not occurred to me that that would be possible. I do not think it would be.

Mr. DE ARMOND. Are you willing to allow a proviso to go in to include that?

Mr. MOODY of Massachusetts. Well, I am not in charge of the bill, and I think the gentleman from Missouri ought not to ask me to consent to this amendment.

Mr. DE ARMOND. You want it sent there with the same favorable terms on which the original pioneer in this matter went there?

Mr. MOODY of Massachusetts. I want just as good a bill as any other bill, and I am free to say that, as I am representing an absent colleague instead of speaking entirely on my account.

Mr. DE ARMOND. The gentleman knows the fact that this bill concedes the right of recovery, but makes no provision for a deduction.

Mr. MOODY of Massachusetts. It concedes it practically, I should say.

Mr. DE ARMOND. We send the bill, therefore, with instructions to find for these people, and without any permission to make a deduction.

Mr. MOODY of Massachusetts. Practically that is so. The claim is for the cost necessarily incurred by the contractors by reason of the change of plans and the expenses which have been put upon the contractor on account of the fault of the Government. This bill is, in effect, an instruction to the Court of Claims to award to the claimant that much. Now, what is the trouble with that, if such is proved to be the fact?

Mr. DE ARMOND. The trouble is this: That you wish to submit a claim for damage done to the Government thirty or forty years ago, when there have been one, two, or three settlements that the Government has made since the work was done.

Mr. MOODY of Massachusetts. There has been no settlement with the Government in this case.

Mr. DE ARMOND. And in all these cases the matter has been investigated and the Government has afforded an opportunity for them to prove their claim.

Mr. MOODY of Massachusetts. In this case the gentleman from Pennsylvania says no.

Mr. DE ARMOND. The Government appointed three boards, and there was nothing to prevent this claim going before them. Why should this claimant or any other claimant be opposed to giving to the court authority to inquire into the whole matter and ascertain whether the Government does owe anything in equity? Instead of doing that, the bill is so framed as to force a recovery.

Mr. MOODY of Massachusetts. The bill is so framed, I will say to the gentleman from Missouri, that if the court finds the facts to which I have alluded, that a loss has been unconscionably brought upon the contractor through the sole fault of the Government, then the contractor may recover the damage. In that sense it is an instruction to the Court of Claims to find for the claimant if these facts are found to be true.

Mr. DE ARMOND. That whole matter might have been adjudicated again and again and settlements made; and it might be shown satisfactorily to the court that the matter had been disposed of, and yet the court would be obliged to find for the claimant.

Mr. MOODY of Massachusetts. Not at all; because the proviso is here that all moneys that have been paid to the contractors by the Government over and above the original contract price shall be deducted from that judgment.

Mr. DE ARMOND. That does not cover the matter.

Mr. MOODY of Massachusetts. It seems to me that it does.

Mr. DE ARMOND. Suppose these settlements were made in discharge of this very matter, and all these things were included, yet the court is not given the opportunity to consider the whole matter, and obtain all the evidence and documents which might show that this claimant ought to have no more.

Mr. MOODY of Massachusetts. Of course if that is the finding—it appears that these claims have once been settled—the claimant could not have any more.

Mr. DE ARMOND. But the court can not go into that.

Mr. MOODY of Massachusetts. The whole question as to how much it is with the court.

Mr. DE ARMOND. No.

Mr. MOODY of Massachusetts. And if the court finds, as this suggests, that nothing has been paid, the judgment must be for the amount due under the terms of this bill.

Mr. DE ARMOND. The court finds, first, whether there was any increase in pay for labor under certain conditions, whether there was any increase in the cost of material. If the court finds there was, the court ascertains the amount and what they have been paid in advance of the contract price, although these particular payments may have been embraced in and covered by the amount paid in excess of the contract price.

Mr. MOODY of Massachusetts. With all due deference to the opinion of the gentleman from Missouri, which I value highly, it does not seem to me that that is a fair construction of the bill.

Mr. DE ARMOND. If it were not, there could be no objection to submitting the whole controversy to the court. The objection to submitting the whole controversy—I am not specializing this case, and I appreciate the gentleman's situation—the objection to submitting the whole controversy to the court in this case and others is that the claimant thinks he would not come out so well if the whole controversy was submitted as he would if certain parts picked out by himself were submitted for the court to pass upon.

Mr. MOODY of Massachusetts. Mr. Chairman, we have a Committee on War Claims. I know some of the gentlemen on this side, and with the chairman of that committee I have great confidence in them. I know some gentlemen on that side of the House. I have confidence in them, and I can not believe that they would agree unanimously on a form of bill which is designed to abandon and not protect the interests of the United States.

Mr. DE ARMOND. But everyone must admit that another bill would protect the interests of the United States better than this bill. No man will deny that. Then, what is the objection to the other bill?

Mr. MOODY of Massachusetts. The gentleman from Pennsylvania [Mr. MAHON] says this sort of bill has been before the Court of Claims, and that it is satisfactory to the Government. Now, with that statement, I will ask for a vote.

Mr. HILL. If the gentleman from Massachusetts will allow me, on page 12 of the Calendar is another bill, Calendar No. 150, a bill for the relief of the Atlantic Works, of Boston, and I want to know if that refers to this same matter?

Mr. MAHON. That is a claim under the Selfridge board.

Mr. MOODY of Massachusetts. That is to pay for a finding by the court.

Mr. HILL. No; I think not. It is for the payment of excess of cost over the contract price, which had been paid in full on two gunboats.

Mr. MAHON. It is to pay a finding of the Selfridge board and involves a direct appropriation by the House.

Mr. HILL. It is in precisely the same language as this bill.

Mr. LOVERING. Mr. Chairman, I would like to ask the gentleman from Massachusetts if it is not a fact that during the construction of these Government boats the reason for the great increase in the price of labor was due to the great demand the Government was making in its drafts of men for the Army and Navy.

Mr. MOODY of Massachusetts. Yes; I suppose so.

Mr. LOVERING. In that respect, did not the Government get all and more than it has paid for, and are not these people, under these circumstances, entitled on that account to remuneration?

Mr. MOODY of Massachusetts. I think my colleague is right.

Mr. SIMS. I want to correct the gentleman from Massachusetts. The gentleman said that this was a unanimous report. I admit that there is no minority report, but I did oppose the claim. I want to say this, that I have examined the merits of this particular case. I honestly think that this is a better claim than the one we passed for the gentleman from New York a little while ago, and still I do not think it is good enough for me to vote for it. [Laughter.] I think it is as good as any that has passed.

Mr. MOODY of Massachusetts. Now, I thank the gentleman from Tennessee for that. Can we have a vote on this now, Mr. Chairman?

Mr. DRISCOLL. Mr. Chairman, is it proper to offer an amendment at this time? I want to offer an amendment.

Mr. MOODY of Massachusetts. I hardly want to yield to the gentleman for that purpose, but let it be read for information.

The CHAIRMAN. Does the Chair understand that the gentleman from Massachusetts yields to the gentleman from New York?

Mr. MOODY of Massachusetts. I simply yield for the purpose of having the amendment read for information and for no other purpose.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend by striking out all of said bill after the word "same," in line 9, page 1.

Mr. MAHON. With that amendment the Government would have no protection.

Mr. MOODY of Massachusetts. I want to say that I think that would be letting down the bars against the Government. Every one of the provisos is in the interest of the Government, and I hope the gentleman will withdraw that amendment.

Mr. DRISCOLL. I should rather have the whole thing go to the Court of Claims.

Mr. MOODY of Massachusetts. I think I should if I was representing the claim, but I think it would be better to have this bill go just as it is.

Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry. I would like to know under what rule of this House a bill can be forced along in this way?

Mr. MOODY of Massachusetts. I had no idea of suggesting for a moment that this bill could be forced to a vote without allowing the right of amendment. If the gentleman from Pennsylvania [Mr. MAHON] yields the floor, the other gentleman from Pennsylvania [Mr. DRISCOLL] has the right to offer his amendment. But I take it, from his acquiescence in my suggestion, that he is ready for a vote on the bill.

Mr. DRISCOLL. No; I do not withdraw the amendment.

Mr. MOODY of Massachusetts. Then I hope it will be voted down.

The CHAIRMAN. As the Chair understands, the gentleman from Pennsylvania [Mr. MAHON] was first recognized, and he yielded his time, or a portion of it, to the gentleman from Massachusetts [Mr. MOODY]. The hour not having expired, the gentleman from Pennsylvania still controls the time.

Mr. MOODY of Massachusetts. Then I yield for the purpose of having a vote upon the amendment. I hope it will be voted down.

The question being taken, the amendment of Mr. DRISCOLL was rejected.

Mr. MAHON. I now ask for a vote on the motion to lay the bill aside with a favorable recommendation.

The motion was agreed to.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next bill.

Mr. DALZELL. Mr. Chairman, it has already appeared during this discussion that there are on the Calendar three bills identical in character. Two of them have been acted upon. I happen to represent the third, which from its position on the Calendar can not be reached in regular order to-day. But as the Committee of the Whole has already sent two of these cases to the Court of Claims, I ask unanimous consent that House bill 3505 may be considered at this time.

The CHAIRMAN. Is there objection?

Mr. DE ARMOND. I dislike to object; but, as the committee has reported all of these claims in a certain order, I think we ought not disturb that order, and therefore I object.

Mr. DALZELL. Does not the gentleman think it a matter of justice that this claim should be treated in precisely the same way that the other two have been?

Mr. DE ARMOND. The trouble is, that the Committee on Claims has arranged these various matters in a certain order, and I do not think that that order should be lightly disturbed, because such action might appear in the nature of a reflection upon the committee.

Mr. DALZELL. I sympathize with the gentleman in his anxiety to preserve the rights of the Committee on Claims, but I do not find any member of that committee making any particular "kick" against my proposition. I trust the gentleman will let this case be taken up.

Mr. GAINES of Tennessee. How long has this bill been pending before Congress?

Mr. DALZELL. This bill is identical with the other two bills.

Mr. GAINES of Tennessee. It has been pending, I presume, for forty years.

Mr. DALZELL. It stands on precisely the same grounds as the other two bills.

Mr. GAINES of Tennessee. I am curious to know how long the bill which the distinguished gentleman from Pennsylvania [Mr. DALZELL] now espouses has been pending in Congress.

Mr. DALZELL. I can not answer the gentleman.

Mr. GAINES of Tennessee. Will the gentleman's colleague [Mr. MAHON] tell us how long this claim has been pending in Congress?

Mr. MAHON. It has been pending the same length of time that certain claims from the State of Tennessee have been pending.

Mr. GAINES of Tennessee. I am not asking any question with regard to Tennessee. I hope we shall get to the claims of that State after a while. But I am anxious to know how long the claim which the distinguished gentleman from Pennsylvania espouses has been pending before Congress.

Mr. DALZELL. The clerk of the Committee on War Claims tells me that it has been here since the Forty-third Congress.

Mr. GAINES of Tennessee. Twenty-eight years! Now, the point I want to make is that if there is any merit in this claim, the long time it has been pending shows what an outrage the American Congress is imposing upon the honest Government claimants of this country. If it is a just claim it ought to have been paid twenty-eight years ago. On the other hand, if it is an unjust claim it ought to be defeated. That is what I mean to say.

Mr. DALZELL. I agree with the gentleman. Does the gentleman from Missouri [Mr. DE ARMOND] insist on his objection?

Mr. DE ARMOND. I am very sorry to do so; but it seems to me that it would interfere with the regularity of our proceedings to do otherwise.

CLAIMS UNDER THE BOWMAN ACT.

Mr. MAHON. I have been instructed by a unanimous vote of the committee to call up the bill (H. R. 8587) for the allowance of certain claims for stores and supplies, reported by the Court of Claims under provisions of the act approved March 3, 1883, and commonly known as the Bowman Act. This is a bill covering claims from a great many States. It is the same bill that was passed by the House in the last Congress. It is known as the "omnibus bill." It embraces 172 cases where claims for stores or supplies furnished to the Army of the United States were referred to the Court of Claims and reported back from that court with a recommendation for an appropriation by Congress.

The CHAIRMAN. The gentleman from Pennsylvania moves to take up House bill 8587.

Mr. BARTLETT. Why does the gentleman wish to displace House bill 3641, which is next in order on this Calendar?

Mr. MAHON. The Committee on War Claims, by unanimous vote, have instructed me, as they have a right to do, to make the motion to take up this bill, because so many members of the House are interested in it; and the bill ought to go promptly through this House and to the other body. I make that motion.

The CHAIRMAN. The question is upon the motion of the gentleman from Pennsylvania.

Mr. BARTLETT. Before we vote on this I want to ask the gentleman a question. I do not desire to be captious about anything, but I want some information.

Mr. MAHON. I will give it to you.

Mr. BARTLETT. I know you will. I want to know when the gentleman proposes to take up the next bill on the Calendar, the one that is now in order.

Mr. MAHON. Right after the passage of this bill we will take up the Calendar in regular order, without any variation.

Mr. CRUMPACKER. I should like to ask the gentleman a question or two about this measure. I understand that this is a bill providing for an appropriation to pay claims that have already been adjudicated.

Mr. MAHON. That is right.

Mr. CRUMPACKER. And it provides for appropriations to pay the exact amounts found due by the court after investigation.

Mr. MAHON. The exact amount.

Mr. CRUMPACKER. In every instance?

Mr. MAHON. Yes.

Mr. CRUMPACKER. Therefore it need not take a great amount of time.

Mr. MAHON. No, sir.

Mr. CRUMPACKER. I have no objection to that.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. MAHON] to take up the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. MAHON. I ask unanimous consent to dispense with the first reading of the bill, and that this be considered the second reading.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Chair deems it well to inform the committee that the bill is now being read by paragraphs for amendment.

The Clerk read as follows:

To David I. Lillard, of Cook County, \$1,980.09.

To the Modern Woodmen of America, of Sangamon County, \$5,423.62.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 5 strike out the whole of lines 22, 23, 24, and 25.

On page 6 strike out the whole of lines 1 and 2.

Mr. GIBSON. Those claims have been paid.

The CHAIRMAN. Without objection, the question will be taken upon these two amendments together. Is there objection?

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

To Eli Wade, of Washington County, \$347.

The following committee amendment was read:

In line 3, page 9, strike out "Eli" and insert "Elie."

The amendment was agreed to.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman of the committee if all these claims have been before the Court of Claims and adjudicated by that court?

Mr. MAHON. All these items have been before the Court of Claims, the amounts due have been found by that court, and the clerk of our committee has gone most carefully over all the items.

Mr. HEPBURN. I understand that there are a number of these claims that depend for their authenticity solely on the representations of Treasury agents some twenty years ago.

Mr. MAHON. No; there are no claims here except claims under the Bowman Act. A similar bill passed in the last Congress.

Mr. WILLIAMS of Mississippi. Are all the claims which have been passed upon by the Court of Claims since the last omnibus bill under the Bowman Act included in this bill?

Mr. GIBSON. There are some which have been passed upon by the court since, but they will be put on in the Senate.

Mr. MAHON. Some findings have been sent in since this bill was prepared, but we leave them for the Senate to put them on the bill as an amendment.

Mr. WILLIAMS of Mississippi. The object of the bill is to pay such claims as have been favorably adjudicated by the Court of Claims, and no others?

Mr. MAHON. Yes; to pay findings of the Court of Claims under the Bowman Act that have been reported by that court to the Speaker of the House.

Mr. BARTLETT. Reported under the Bowman Act?

Mr. MAHON. Yes.

Mr. RICHARDSON of Alabama. I understand that the committee has passed over a matter that I wanted to offer an amendment to. I ask unanimous consent to return to page 3, line 11.

Mr. MAHON. What is the gentleman's amendment? Is it to change a name or something like that?

Mr. RICHARDSON of Alabama. I wanted to offer an amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to recur to page 3, line 11.

Mr. MAHON. Let the amendment be reported for information.

Mr. RICHARDSON of Alabama. It is for the purpose of offering an amendment to strike out "one hundred and seventy-two dollars" and insert "three hundred dollars."

Mr. MAHON. I object. You can not go behind the findings of the court.

The CHAIRMAN. Objection is made.

Mr. RICHARDSON of Alabama. I should like an opportunity to state my reason for offering the amendment.

Mr. MAHON. The gentleman may have very good reasons, but this bill is simply framed to pay the exact amount of the judgments which have been found by the Court of Claims.

Mr. RICHARDSON of Alabama. I ask the chairman of the committee for a few moments in which to state my reasons for offering this amendment. Then the gentleman can object, if he is not satisfied with the reasons.

Mr. MAHON. How long will it take?

Mr. RICHARDSON of Alabama. Two or three minutes.

Mr. MAHON. All right.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, the reason I suggested that is, I know, in the first place, the claimant in this matter, Charles Posey. He is a very aged colored man, residing in Lauderdale County, Ala., the district I have the honor to represent on this floor. I know him quite well, and I know very well what his neighbors have written to me about him. In this case the Court of Claims says:

He is a citizen of the United States, residing in Lauderdale County, Ala., where he resided during the war of the rebellion, and that at different times in said period the United States forces, by proper authority, took from him quartermaster stores and supplies, consisting of horses, flour, meal, bacon, potatoes, and poultry, and appropriated the same to the use of the United States Army.

I put it, Mr. Chairman, to anyone in this committee, and any gentlemen on this floor, if it can be possible that \$177 would be a reasonable amount for "horses" and the things therein enumerated.

Now, the report says "horses." That certainly must mean more than one; and surely no man here would say that \$177 is a fair compensation for horses, certainly two, if not more, and other articles taken from that old negro under these circumstances, whose loyalty was absolutely established, and who was true to the Government, slave as he was. I am informed that in his old age he is honored and respected by both the white and colored people among whom he resides. Surely if they took more than one horse, as the report says, and flour, meal, and other things, that \$177 would not be a proper amount for reimbursement, realizing, as we do, the value of horses at that time. Surely this amount is not a fair and just compensation to that old man. The great Government of the United States, under these conditions and circumstances, ought not to take his property for the use of the Army and then make this small and pitiful allowance to him.

Now, it is said frequently that we of the South do not do the negro justice; but I freely and gladly appear here as his representative, and ask gentlemen on this floor if they think this is right and fair for the Government to take horses from this old negro, a friend of the Union, without just, fair, and honorable compensation, Mr. Chairman, as he was and as he is, and he is reliable. I can not myself speak of personal knowledge in this matter, but I understand that the Federal troops took two or three horses from the old man, and yet they allow him \$177 for all the articles I have enumerated. I think if he was treated fairly, instead of giving him \$177 he should be given the amount of \$300, as suggested by my amendment. This is nothing but fair, just, and equitable on the part of our great Government. The Government no more than an individual can afford to be unjust and not pay honest and just claims.

Why, sir, the record that I have before me declares that he was loyal and true to the Government, when loyalty meant something in the South at that time. The circumstances are such that he is entitled to the amount that I ask at the hands of both the Republicans and Democrats of this House. It seems to me, Mr. Chairman, that the amendment ought to be allowed and the amount reported ought to be increased. The court says that they took "horses" and flour, and took potatoes, and then in its conclusion says: "We made no allowance for poultry." They even took all his chickens, and hens, and ducks, and everything else—wiped him literally up—and they make no allowance for that, and I am asking you to make him a fair and just allowance for these things for which he received nothing, and I know if the House had a fair opportunity, and the gentleman from Pennsylvania will withdraw his objection and allow a vote, the amendment will pass.

Mr. MAHON. I do not know anything about the facts in this case.

Mr. RICHARDSON of Alabama. Well, I do, and I am telling them.

Mr. MAHON. Wait. This case is just in the condition of 1,500 others. The horses might not be worth over \$10 apiece. It was presented to the Court of Claims by a lawyer having the highest experience of any man in that court, and they have awarded this man, after a complete hearing of the facts, \$177; and we can not go behind the action of that court. We have in our committee to-day any number of claims for an increase, but we never have and we never will agree that that shall be done. It is our court, and when they submit findings of fact this House must sustain them in their findings. If not, we will be antagonized on this floor. In referring these bills to that court they receive all the consideration they can get. I would like to help the gentleman, but can not go back of the findings of fact by the court.

Mr. RICHARDSON of Alabama. Is it not a fact that you have not a claim reported back here of a similar character to this for a negro?

Mr. MAHON. Oh, yes; plenty of them.

Mr. GIBSON. Plenty of them.

Mr. MAHON. Probably dozens of them scattered all over the country.

The CHAIRMAN. Is there objection?

Mr. MAHON. I object.

The Clerk, proceeding with the reading of the bill, read as follows:

NEBRASKA.

To Frank G. Simmons, of Seward, \$1,000.91.

Mr. GIBSON. Mr. Chairman, I offer the following amendment, recommended by the committee.

The Clerk read as follows:

On page 12, strike out the whole of lines 1, 2, and 3.

Mr. STARK. That is right. It has been paid, and it should have been been stricken out.

The amendment recommended by the committee was agreed to. The Clerk read as follows:

SOUTH CAROLINA.

To Martha Cook, administratrix of Willi Cook, deceased, of Beaufort County, \$316.

Mr. GIBSON. Mr. Chairman, I offer the following amendment, recommended by the committee.

The Clerk read as follows:

On page 13, line 5, strike out "Willi" and insert "William."

The amendment was agreed to.

The Clerk read as follows:

To Jesse B. Derient, administrator of Peter Derient, deceased, of Knox County, \$444.

Mr. GIBSON. Mr. Chairman, I offer the following amendment, recommended by the committee.

The Clerk read as follows:

On page 18, lines 3 and 4, strike out "Derient" and insert "Derieux."

The amendment was agreed to.

The Clerk proceeded and completed the reading of the bill.

Mr. GIBSON. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PROPERTY TAKEN DURING THE WAR WITH SPAIN.

The next business on the Private Calendar was the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.

Mr. MAHON. Mr. Chairman, I ask that the first reading of the bill be dispensed with, and that it be read for amendment under the five-minute rule.

The CHAIRMAN. The gentleman from Pennsylvania asks that the first reading of the bill be dispensed with, and that the bill be read for amendment under the five-minute rule. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, I want to inquire of the gentleman from Pennsylvania if these claims have been audited by the War Department?

Mr. MAHON. The gentleman from New York will recollect that in the sundry civil appropriation bill, approved June 6, 1900, there was a section put in directing the Secretary of War to investigate these claims against the United States for private property taken and used in the military service within the limits of the United States. Under that the Secretary of War has adjudicated 202 claims which are in this bill, aggregating in the amounts asked for by the claimants \$161,763.86. The amount recommended for payment on these 202 claims is \$55,755.21. There are 8 other claims awaiting further evidence which amounts to \$38,507.59. These claims are for camps rented, etc., and they are certified by the Secretary of War to the Speaker of the House of Representatives.

Mr. DALZELL. About one-third of the amount of the claims are allowed?

Mr. MAHON. Yes.

The Clerk, proceeding with the reading of the bill, read as follows:

GEORGIA.

To James H. Butner, \$10.

Mr. MADDOX. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting, on page 2, after line 25, "J. H. Brown, \$75."

Mr. MADDOX. Mr. Chairman, this claim was presented to the commission which passed upon all of these claims now before the House, and they decided that it was a tort, and therefore that

the Government was not liable. I propose to take issue with them and appeal to this House on that question. They decided that a number of the cases which I presented were torts, and I do not know but they were correct under the constructions given them by the War Department, but on this particular one I differ with them and appeal to the House. This is the state of facts: Down at Chickamauga, when the Army was in rendezvous there, a corral of horses was stampeded at night and escaped. General Brooke detailed an officer and squad of men to go into the country and gather up the stock scattered about the country.

In this case a sergeant was detailed and went out to the house of this man, J. H. Brown, and took a horse 5 years old, which Mr. Brown valued at \$75 and was one that he raised from a colt. He was away from home at the time. The sergeant took the horse against the consent of Mr. Brown's wife, carried it back to the quarters at Chickamauga, and proposed to turn it into the pen. When he got there those in charge of the yard declined to receive the horse because it could not be identified by anybody. He was ordered to return it. I am not quite sure whether he was ordered to return it, but it was returned back to the sergeant, and in any event the man, Mr. Brown, never recovered his horse and lost him entirely.

As soon as Mr. Brown returned home he reported the matter to General Brooke and General Brooke had the matter investigated. In the meantime the officer who had been sent out after the horses had left, as his regiment had been removed to Knoxville. They found him there and he admitted that he took the horse and offered to turn it over to the authorities, but it was not identified by the officers there, and he said he returned it to this man Mr. Brown in Sequatchie Valley. Now, Mr. Brown lived in exactly the opposite direction.

Now, the question simply hinges on this point. This man took this horse by mistake. He was acting under orders of his commanding officer to proceed with his detail of men and gather up the scattered horses. In his efforts to do so some one told him this horse at Brown's was a Government horse, and acting under the orders given him, he seized upon it and carried it back to the camp. It proved to be a mistake. Those in authority and in charge of the horses refused to receive it. This officer claims he sent it back. This is proven to be untrue. He may have tried to do so, but the owner never recovered it. If this soldier had taken this horse of his own volition, then it would not be the act of the Government; but if he took it while under orders from his superior officers, not for himself, but, as he believed, for the Government, and as one of the Government stray horses, and the owner never received it back, then the Government would be liable.

The officer took the horse, thinking it belonged to the Government; but when he had carried it back to the camp the officers there failed to identify it, and he was ordered to return it. He claims that he did return it by sending it in the opposite direction; but it is a fact that the owner never saw his horse again.

Now, is this a case where the man was simply the victim of an act of a soldier not under orders, or did the Government take the horse for its own use? The officer who was sent out took the horse thinking it was Government property; and when the mistake was discovered the horse was not returned to its owner. This man lost his horse; and it was valued at the modest sum of \$75. In my judgment this is undoubtedly a just claim against the Government, and it ought to be paid. I appeal to the committee to do justice to this poor man.

Mr. PAYNE. Did all these witnesses appear before the War Department commission?

Mr. MADDOX. The papers were all there.

Mr. PAYNE. All this evidence was introduced there?

Mr. MADDOX. Yes, sir; the claim went to the commission with the evidence, just as I have stated, as I remember it.

Mr. PAYNE. Did the commission find against the claim?

Mr. MADDOX. They treated the case as a tort; they did not deny the facts of the case, as I understood it.

Mr. PAYNE. But after hearing all the evidence they reported against the claim?

Mr. MADDOX. They determined that it was a tort. Now, the question is, Was it a tort?

Mr. MAHON. This claim is for a small amount, but its payment might establish a principle which would cause us a good deal of trouble hereafter and lead to the payment of a good deal of money. The files of the Committee on War Claims are to-day full of such claims—claims which did not properly come within the jurisdiction of that War Department board. The Government learned something from the civil war. The magnitude of the Spanish war was not so great. During the Spanish war no sergeant or enlisted man had the right to exercise such authority as is supposed to have been exercised in this case. The gentleman from Georgia claims that this sergeant was commissioned to col-

lect horses. But during the Spanish war the Government did not take property of citizens in that way, because we had ample time and means to obtain in the regular way whatever property was required; this horse was simply stolen by this sergeant.

Mr. MADDOX. The papers do not show that this officer stole the horse; if he did, he must have stolen it after he had taken it back to the camp.

Mr. MAHON. If the owner of the horse had made complaint and the grand jury had indicted this officer, the military authorities would have turned him over to be tried for horse stealing, as was done in several cases in California.

Mr. Chairman, a provision was carefully drawn and inserted in the sundry civil bill for the hearing of claims for loss of private property arising out of the Spanish war. The object was that we might settle such claims promptly—put an end to them within a year or two and not have them coming back to Congress for the next thirty or forty years. The Committee on War Claims have to a man stood up against bills such as the one now pending. We insist that these claims should have gone before that board and been there adjudicated. Are you now going to open the gates to let in such claims?

This man had a fair hearing before the board the same as other men having similar claims. If I had been his counsel when his case was heard by that board, I would have inquired of the War Department whether this sergeant had any authority from a quartermaster to go out and take that horse.

Mr. MADDOX. The papers show that fact. That is not even doubted.

Mr. MAHON. In the State of Iowa, during the civil war, horses were taken by the soldiers, but no claim has ever come to Congress for reimbursement. This case is simply one of tort. I trust this Government will never recognize the right of any man to come in here and make a claim for depredations of this kind on the part of our troops. I would be glad to see this man paid for his horse, and I do not know but I would contribute \$10 toward paying this poor fellow. But let us stand by the rule which should control cases of this kind so that we may not be overwhelmed with such claims in the future.

Mr. MADDOX. The gentleman does not seem to catch the point of this case at all. This officer was detailed to go out and bring these horses back into the corral. He took this horse thinking that it was Government property. That fact appears in the case and is not denied by anybody.

Mr. MAHON. Government horses are all branded with letters two or three inches large.

Mr. MADDOX. It is not denied that the officer took this horse and carried it back to the corral, and there the officers failed to identify it. If the sergeant stole the horse he stole it after the officers failed to identify it. Right here is the distinction which removes from this case the idea of tort. That is, when the horse was taken he was acting under orders of his superior officers.

This commission made a mistake; but there is no appeal, because the commission is dissolved. The only appeal is to Congress. The question is whether, under the circumstances I have stated, this man ought to be paid for his horse. There was no tort committed, because the officer believed the horse to be Government property, though it afterwards appeared that it was not.

Mr. MAHON. During the Spanish war no enlisted man or sergeant was sent out to take horses from the people anywhere. Horses were purchased in the market.

Mr. MADDOX. The gentleman does not understand me. Some of the Government horses ran away; and this sergeant, with a body of troops, was sent to recover them. This man's horse was taken along with others. The sergeant took it by mistake. This man ought to be paid. If favorable action upon this case establishes a precedent, it is a precedent in the right direction.

Mr. MAHON. If this is such a plain case as the gentleman states, if this officer was out seeking to recover Government horses and by mistake took this man's horse, why did not the owner of the horse make out his case before this board?

Mr. MADDOX. These papers were sent to the board, just like all the balance of them. This man had no attorney, and I want to say to this House that when I took up this report and found that they had decided that this case was a tort I was indignant, and went immediately to the Committee on Claims and stated that I was astonished that the commission should find that this was a tort when the evidence was so plain to the contrary. The claimant had no attorney.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. MADDOX].

The amendment was agreed to.

Mr. GIBSON. In line 5 of page 2, I move to strike out the words "one hundred and;" so that it will read "\$36" instead of "\$136."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 5, strike out "one hundred and," so that it will read: "To A. Campbell, \$36."

The amendment was agreed to.

Mr. GIBSON. I send up another amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, between lines 23 and 24, insert:

"To Mrs. E. C. Beach, \$321."

"To H. W. Beach, \$388, and to J. D. Clark, \$37.50."

Mr. GIBSON. I will state to the committee, Mr. Chairman, that this is the supplemental report from the War Department on subsequent findings in the State of Florida. I move the adoption of the amendment.

The amendment was agreed to.

The clerk read as follows:

To M. J. O'Leary, \$435.

Mr. GIBSON. I move to strike out the word "four," in line 17, and to insert the word "three;" so that it will read "\$335."

The amendment was agreed to.

The Clerk read as follows:

To T. W. and Gordon Lee, \$325.75.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report:

In lines 9 and 10 strike out "three hundred and twenty-five" and insert "one hundred and forty-five."

The amendment was agreed to.

The Clerk read as follows:

To Lee & Gordon Mill Company, \$270.

Mr. GIBSON. In line 13, after the word "seventy," I move to insert the word "five;" so that it will read "seventy-five dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 13, after the word "seventy," insert the word "five."

The amendment was agreed to.

The Clerk read as follows:

To the State of Georgia, \$916.99.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The amendment was read, as follows:

On page 4, between lines 21 and 22, insert:

"To W. A. Huff, \$34."

"To T. M. Woolfolk, \$250."

Mr. GIBSON. These are subsequent findings of the War Department.

The amendment was agreed to.

The following committee amendment was read, and agreed to:

In line 15, page 5, strike out "Gregory" and insert "Gregori."

The Clerk read as follows:

SOUTH CAROLINA.

To James F. Williams, \$90.

Mr. JOHNSON. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 8, line 24, strike out "F" and insert "T."

Mr. JOHNSON. That is just to correct a mistake in the initials of the man.

The amendment was agreed to.

The Clerk read as follows:

To W. W. S. Orr, \$31.

Mr. JOHNSON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers the following amendment:

The Clerk read as follows:

On page 9, line 19, after the word "to" insert "estate of."

The amendment was agreed to.

The Clerk read as follows:

To Charles Taylor, \$308.

Mr. GIBSON. I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers the amendment which the Clerk will report.

The Clerk read as follows:

In line 1, page 12, strike out "three" and insert "two."

Mr. GIBSON. The amount should be "\$208" instead of "\$308."

The amendment was agreed to.

Mr. GIBSON. I offer the following, also.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 12, after line 4, insert:

"To A. J. Wedderburn, \$173."

The amendment was agreed to.

Mr. GIBSON. I move to amend the bill by adding the amendment I send to the desk.

The CHAIRMAN. The gentleman from Tennessee moves to amend the bill by adding an amendment which the Clerk will report.

Mr. GIBSON. I will state that these claims are of a similar character and reported by the committee as a separate bill, but they belong to the same class. They are from the State of Virginia, and have all been favorably reported by the War Department.

Mr. BARTLETT. I desire to ask the gentleman a question about this matter. I am not disposed to oppose it. There are a number of these claims which are from the result of awards of the Spanish War Commission. They have been made under the provisions of the sundry civil bill, and there are a number of others which the Commission said they are not authorized to consider and report on. Now, I am not going to oppose the passage of these claims. I think they ought to pass; but what I desire to know is this: There are, I know, in my own State and in my own district, certain claims which have not been put in any bill, because, although they were found to be just claims, the Commission determined that they could not report upon them, because they were the result of torts committed, and not by reason of any contract, implied or expressed. I want to know what the gentleman is going to do with these other claims?

Mr. GIBSON. They have not come before us. As soon as the War Department sends them the committee will put them in shape.

Mr. BARTLETT. Some of them are reported.

Mr. GIBSON. All those that are reported are in the amendment.

Mr. BARTLETT. I have seen them in a report of the War Department.

Mr. GIBSON. These are all reported by the War Department. Every solitary one of them that they have reported is here.

Mr. BARTLETT. I do not know if they have not been reported to the committee. These seem to be somewhat different.

Mr. GIBSON. They have not come to us.

Mr. BARTLETT. Are these the claims that were passed by the Commission?

Mr. GIBSON. They are the claims that have come to us.

Mr. BARTLETT. But they were passed by another commission.

Mr. GIBSON. Not by the same Commission, but under the same law.

Mr. BARTLETT. Under the same law?

Mr. GIBSON. Under the same law, but by different boards.

Mr. MADDOX. I reckon not. I want to find out about this, because it is a very important matter.

Mr. GIBSON. The gentleman from Virginia [Mr. RIXEY] will explain it to you.

Mr. MADDOX. I will not object. I simply want to find out something about it. I have quite a number of claims exactly like this that have been turned down by this Commission.

Mr. GIBSON. We do not report any case that is turned down. We simply recommend the passage of the claims that this board recommends.

Mr. MADDOX. What I want to find out is this: If we cannot get these claims passed by the War Department and by the Commission established for that purpose, how is it that the gentleman from Virginia comes in here and gets these claims reported?

Mr. GIBSON. They have to do some things before they can do others.

Mr. MADDOX. We were in time.

Mr. GIBSON. As soon as they were reported we put them in a bill and have offered it as an amendment.

Mr. RIXEY. I will state to the gentleman from Georgia I found there were a number of these claims near Thoroughfare Gap, where these troops were in camp for some time, and I introduced a bill to pay these claimants the amounts found due by the War Department, and that bill was reported favorably by the Committee on War Claims, and I think they ought to be paid. I do hope there will be no objection to the amendment.

Mr. MADDOX. I think so, too.

Mr. RIXEY. And if my friend has any similar claims I hope they will be paid promptly.

Mr. MAHON. Mr. Chairman, I make the point of order that these claims are not such as are authorized by this bill.

The CHAIRMAN. The Chair desires to hear the point of order raised by the gentleman from Pennsylvania.

Mr. MAHON. This is a bill, as the title shows, for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.

Now, Mr. Chairman, there is no authority to put anything in this bill except the findings of that board under that section of the sundry civil bill. This is not that board. It is the findings of other officers of the War Department.

Mr. BARTLETT. I want to state to the gentleman—

Mr. MAHON. Now, hold on a minute. Now they are trying to inject into this bill a class of claims that do not come under that title.

Mr. GIBSON. We can amend the title.

Mr. MAHON. No, we will not amend the title. I will insist upon the point of order.

Now, Mr. Chairman, as chairman of the Committee on War Claims, coming in here with a bill and making the statement that this bill contains the findings of a board of the War Department, created under a certain act, and nothing else, we must be fair to this House, and not undertake to put anything in this bill that does not come from that board.

Mr. BARTLETT. I want to ask the gentleman from Pennsylvania now if this is the bill which proposes to pay citizens of Virginia certain damages done by the soldiers there, found by a commission composed of a board of officers appointed by the Secretary of War for the purpose of ascertaining the facts. I know that there are now reported from these officers and furnished to this House by the Secretary of War a number of claims that have been found that are due and ought to be paid, and they were presented to the Spanish War Claims Commission, but they declined to report them on account of a restriction contained in the sundry civil bill, under which they were confined to contracts and not to torts; and that is the reason why they can not put them in that bill.

Mr. MAHON. It is the reason; and I do not want them on this bill. Let every tub stand on its own bottom. I know that the War Department sent out men to assess the damages, and the purpose of that is to keep the testimony for the Government, so that the War Department in the future can be protected.

Now, it is not this class of claims at all, and it has no business in this bill. So I insist on my point of order, Mr. Chairman, that the amendment is not germane.

Mr. RIXEY. Mr. Chairman, I insist that the gentleman's point of order comes too late; the amendment has been considered. Now, I want to say, Mr. Chairman, in regard to this claim, that this bill was introduced—

The CHAIRMAN. The Chair will state that the amendment has not been considered and has not been reported to the committee.

Mr. GIBSON. Mr. Chairman, I will state that these claims—

Mr. MAHON. Mr. Chairman, let us discuss the point of order. It is getting late, and I want to get on.

Mr. GIBSON. Well, Mr. Chairman, I withdraw the amendment rather than consume unnecessary time. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2848. An act for the establishment of a subport of entry at Naco, Ariz.;

S. 1539. An act to provide for the purchase of a site and the erection of a public building thereon at Gainesville, in the State of Texas;

S. 39. An act to correct the military record of William B. Thompson;

S. R. 30. Joint resolution for the erection of a monument to the memory of Dorothea Lynde Dix;

S. R. 39. Joint resolution recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear*; also, the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing

the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers;

S. R. 2. Joint resolution proposing an amendment to the Constitution of the United States respecting the commencement and termination of Congress; and

S. 3128. An act to establish a fog signal and a keeper's dwelling at Piedras Blancas, Cal.

The message also announced that the Senate had passed the following resolution:

Senate concurrent resolution No. 20.

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely: Calendars of the Correspondence of Thomas Jefferson, James Madison, and James Monroe, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Department of State.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8581) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER as the conferees on the part of the Senate.

CARSON-NEWMAN COLLEGE, JEFFERSON CITY, TENN.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 4842) for the relief of the trustees of the Carson-Newman College at Jefferson, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the trustees of Carson-Newman College, formerly the Mossycreek Baptist College, at Jefferson City, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, in full compensation for the use, occupation, and consumption of the property of said college and trustees by the military forces of the United States during the late war of the rebellion.

With the following amendments recommended by the committee:

Strike out "Carson-Newman" wherever it appears in the bill and insert in lieu thereof "Carson and Newman," and amend the title.

Mr. RIXEY. Mr. Chairman, I would like to ask the gentleman of the committee a question. I do not want to embarrass him about the bill, for I have no doubt it is a just one. This bill is for occupation of a church?

Mr. GIBSON. Yes.

Mr. RIXEY. I know of a number of other bills introduced that are on the same line. There are a number of bills introduced of that character by myself. I represent the Eighth district of Virginia, across the river, where one army or the other, and sometimes both, camped during the war. Many battles were fought there, and almost every church for 60 miles from Washington, on the Southern road, was used as a hospital. Some of the brick churches were torn down and the bricks taken and used for the purpose of building quarters for the officers. What I want to ask is why not report some bill directing the Secretary of War to inquire and report what would be a fair compensation for these churches?

Mr. GIBSON. I will state to the gentleman that this bill passed both Houses at the last Congress, but reached the President too late for his signature. I hope under the circumstances the House will let it go through at an early date.

Mr. RIXEY. I am not opposing this bill. I have no doubt that it is a just bill, as the others to which I have referred are just bills; but I am calling the gentleman's attention to these other bills and asking him why it would not be well to have a general bill.

Mr. GIBSON. I am with the gentleman on that.

Mr. RIXEY. I want to know why the Committee on War Claims do not report a general bill?

Mr. GIBSON. We did report one in the last Congress, and I take it that we will in this.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask my colleague [Mr. GIBSON] how it is that this one, his bill, and this alone, when there are four other similar bills before his committee, is reported here? I am informed there are five bills pending before this House like this—four besides this one. How is it that the distinguished committee, with which my colleague occupies the second place, and often first, comes in and reports this bill in preference to all the others?

Mr. GIBSON. I will state to the gentleman, and I think I will give him a good reason, because this bill passed both Houses in the last session of Congress.

Mr. GAINES of Tennessee. But why were not the other four bills reported and passed by the last Congress? They were certainly pressed before the committee.

Mr. GIBSON. They will all be reported in due time. Some bill must stand first on the Calendar. I think the gentleman will agree that I have been very liberal and that I have reported a great multitude of these claims. I admit that this is from my own district, but it is all that my district has. It passed the last Congress and it was the fault of the situation that it was not signed.

Mr. GAINES of Tennessee. Does the gentleman from Tennessee, my colleague, mean to say that this is all that his Congressional district has received from Congress?

Mr. GIBSON. It is the only bill of this sort.

Mr. GAINES of Tennessee. Are there not hundreds of other things that the distinguished gentleman has secured for his district?

Mr. GIBSON. Oh, let us get down to business. [Laughter.]

Mr. GAINES of Tennessee. Well, I will get back to the other question. How is it that this bill only is reported from the committee in preference to these four other bills?

Mr. GIBSON. Suppose you were in my place and you had a bill that had passed both Houses of Congress and your constituents were pressing you, would you not report it from the committee?

Mr. GAINES of Tennessee. Yes; I would report it, but the very reason that would make me report that bill would prompt me to deal with my colleagues in the House with the same general spirit of liberality. If I reported my own bill, I would report the others at the same time.

Mr. RICHARDSON of Alabama. Does the gentleman say that he would not report his own bill?

Mr. GAINES of Tennessee. I would not report mine unless I could report the others.

Mr. SIMS. Mr. Chairman, I want to say that my colleague on the committee [Mr. GIBSON] is the most liberal man on that committee. He urges the report of bills that I have to fight almost all the time. I think he is so liberal that he is not right.

Mr. GAINES of Tennessee. Well, I am satisfied that he is not right in this case. I am for his bill if there is no other man in the House to support it. It is a just bill; it is for taking the property of a church, and it is time that it should be paid for; but I can not understand, Mr. Chairman, how this Congress should be asked to pass this bill when there are other bills equally as meritorious and indisputable before the committee similar to it and which should have been reported as well as this.

Mr. GIBSON. This is the only bill I have reported in this Congress for my district; and it is the only one I shall report. I am going to report two or three for my colleague [Mr. GAINES of Tennessee], but these bills can not all be reported on the same day.

Mr. GAINES of Tennessee. Are you going to report my bills during this session of Congress?

Mr. GIBSON. I am going to vote in favor of making the report. I must have the concurrence of the majority of the committee in order to report them.

Mr. GAINES of Tennessee. My distinguished colleague [Mr. GIBSON] will bear me out in saying that he informed me the committee had decided to send the balance of these bills over to the Senate.

Mr. GIBSON. I will state—

Mr. GAINES of Tennessee. What are you going to do? Are you going to report the balance of these bills to this House—

Mr. GIBSON. If the gentleman will permit me to answer his questions one by one, and not pile question upon question, we shall get closer to the real facts. I stated to the gentleman that in passing on these claims we wanted to get a clean bill through to the Senate as soon as possible, and that the Senate would add on these other bills, just as they have done in former sessions.

Mr. GAINES of Tennessee. I am not in the Senate; and I am dependent upon this House for my rights. I am trying to find out whether this bill and similar bills which I have presented are going to be reported or not; and if not, why? If the Committee has adopted a rule not to report these bills, but send them to the Senate and let the Senate do the business, I want to know why that is done. I am in favor of my colleague's bill, but I say in all candor and frankness that bills similar in character and equally meritorious should receive equal consideration.

Mr. PAYNE. Mr. Chairman, we have heard considerable about everything else except this bill. The gentleman from Tennessee [Mr. GIBSON] says that this bill passed the House and Senate a year or two years ago.

Mr. GIBSON. Oh, no; in the last Congress.

Mr. PAYNE. That would be a year or two years ago. He says that this bill was passed by both Houses a year or two years ago, but was not signed by the President. There might have been a very good reason why the President did not sign it. The statement the gentleman has made does not throw any light upon the merits of the bill. I should like to know something about

the case. I am not particularly interested in knowing why the gentleman has reported one bill and not another. I suppose he may have been acting under the instructions of his committee or subcommittee in reporting the bill introduced by himself, and not reporting the bills introduced by the other gentlemen from Tennessee. But that does not give us any light on the merits of this bill. I should like to hear some reasons in favor of this claim—why it is made, how they get at the amount, why it was not paid at any time during the last forty years, and everything of that sort. It is a pretty stale claim, and we ought to have some information about it.

Mr. GIBSON. I will take great pleasure in giving the gentleman and the Committee of the Whole the information desired. In 1864, during the war of the rebellion, the Federal Army was encamped in the neighborhood of the place where this property was situated. Now, every man who was in the Army will remember what an awful winter the winter of 1863-64 was. In order to secure winter quarters for the troops the college buildings were torn down. The bricks were used for the purpose of erecting chimneys and otherwise protecting the winter quarters. The woodwork was also used in the erection of winter quarters. The magnificent grove was cut down and used partly for the same purpose and partly for fuel. The major-general who ordered this to be done and the brigadier-general who executed the order both testified—and their evidence is before the committee—that they estimated the damages at \$8,000. But the Committee on War Claims would not take into consideration the question of damages; they simply estimated the value of the property absolutely used or consumed by the Army of the United States, and fixed upon a valuation of \$6,000, at which sum they reported the bill. It has passed this House time and time again. In the last Congress it passed both Houses and went to the President, but it reached him too late, as did quite a number of other bills, to receive his signature. These are the facts. I move that the bill be laid aside to be reported with a favorable recommendation.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported with a favorable recommendation.

Mr. MAHON. Mr. Chairman, I move that the committee do now rise and report the bills to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration certain bills and had directed him to report the same back to the House with the recommendation that the bills H. R. 1795 and H. R. 4003 do pass without amendment, and that the bills H. R. 8587, H. R. 3641, and H. R. 4842 do pass with amendments.

Mr. MAHON. Mr. Speaker, I move the previous question on the bills and amendments to their final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the first bill.

JERONEMUS S. UNDERHILL.

The first business was the bill (H. R. 1795) for the relief of Jeronemus S. Underhill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ATLANTIC WORKS, BOSTON, MASS.

The next business was the bill (H. R. 4003) for the relief of the Atlantic Works, of Boston, Mass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the votes by which the bill passed was laid on the table.

CLAIMS UNDER THE BOWMAN ACT.

The next business was the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, reported from the Committee of the Whole with amendments.

The SPEAKER. Is a separate vote demanded on the amendments? If not, they will be submitted in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MAHON, a motion to reconsider the last vote was laid on the table.

SPANISH WAR CLAIMS.

The next business was the bill (H. R. 8641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the

Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc., reported from the Committee of the Whole with amendments.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be voted upon in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

CARSON-NEWMAN COLLEGE, JEFFERSON CITY, TENN.

The next business was the bill (H. R. 4842) for the relief of the trustees of the Carson-Newman College, at Jefferson City, Tenn., reported from the Committee of the Whole with an amendment. The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended as recommended by the committee.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10076. An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs; and

H. R. 9315. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3128. An act to establish a fog signal and a keeper's dwelling at Piedras Blancas, Cal.—to the Committee on Interstate and Foreign Commerce.

S. R. 2. Joint resolution proposing an amendment to the Constitution of the United States respecting the commencement and termination of Congress—to the Committee on the Judiciary.

S. R. 39. Joint resolution recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear*; also the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers—to the Committee on Interstate and Foreign Commerce.

S. R. 30. Joint resolution for the erection of a monument to the memory of Dorothea Lynde Dix—to the Committee on the Library.

S. 39. An act to correct the military record of William B. Thompson—to the Committee on Military Affairs.

S. 1539. An act to provide for the purchase of a site and the erection of a public building thereon at Gainesville, in the State of Texas—to the Committee on Public Buildings and Grounds.

S. 2848. An act for the establishment of a subport of entry at Naco, Ariz.—to the Committee on Ways and Means.

Senate concurrent resolution 20:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth, 4,000 copies of each of the following bulletins of the Bureau of Rolls and Library of the Department of State, namely: Calendars of the correspondence of Thomas Jefferson, James Madison, and James Monroe; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the Department of State—

to the Committee on Printing.

CHANGES OF REFERENCE.

By unanimous consent, the Committee on Patents was discharged from the further consideration of the bill (H. R. 11053) providing for the issuance of patent to the town site of Basin, Wyo., to the municipal authorities thereof for the use and benefit of said town, and the same was referred to the Committee on the Public Lands.

By unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of House Document No. 375, relating to salaries in the rural free-delivery service, and the same was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEEMER, for the remainder of this week, on account of important business.

And then, on motion of Mr. MAHON (at 4 o'clock and 23 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for Hot Springs Reservation, in Arkansas, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4555) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 491); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10372) to transfer to the Secretary of the Interior such supervision of the Government Hospital for the Insane, Freedmen's Hospital and Asylum, and the Washington Hospital for Foundlings as may have been conferred upon the Board of Charities of the District of Columbia under the act approved June 6, 1900, creating such board, reported the same without amendment, accompanied by a report (No. 494); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10692) granting an increase of pension to David C. Maples, reported the same without amendment, accompanied by a report (No. 492); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5761) granting a pension to Thomas F. Walter, reported the same with amendment, accompanied by a report (No. 493); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 1507) granting a pension to Louis Leith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11129) granting an increase of pension to Garret I. Post—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11132) for the relief of John Sailer or Sailor, late private, Company A, Forty-seventh Regiment Pennsylvania Volunteers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CORLISS: A bill (H. R. 11238) to increase and allow a pension of \$12 per month to all soldiers of the civil war who have established their right to a pension under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 11239) to grant certain lands to the State of Idaho—to the Committee on the Public Lands.

By Mr. BRISTOW: A bill (H. R. 11240) to authorize the Secretary of the Navy to cede certain lands to the State of New York—to the Committee on Naval Affairs.

By Mr. BABCOCK: A bill (H. R. 11241) to amend an act entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 11242) to tax manufactures from the wood of the Sequoia gigantea, or "big trees"—to the Committee on Ways and Means.

By Mr. MAYNARD: A bill (H. R. 11243) to provide for the erection of a public building in the town of Suffolk, in the State of Virginia—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11244) to complete the public building in the city of Norfolk—to the Committee on Public Buildings and Grounds.

By Mr. RODEY: A bill (H. R. 11245) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891—to the Committee on Private Land Claims.

By Mr. LITTLE: A bill (H. R. 11246) to define who are and who are not fellow-servants of railroad and mining corporations, and defining the defense of said corporations on account thereof—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: A bill (H. R. 11247) extending the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases—to the Committee on the Public Lands.

By Mr. RANDELL of Texas: A bill (H. R. 11248) to provide for the purchase of a site and the erection of a public building thereon at Sherman, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. BOWERSOCK: A bill (H. R. 11298) to authorize the construction of a railroad and wagon bridge across the Missouri River at or near Parkville, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of New Jersey: A joint resolution (H. J. Res. 150) giving the thanks of Congress to Capt. Charles A. De Arnaud, on the staff of General Frémont, Missouri Volunteers, for very important and meritorious services rendered to the country in 1861—to the Committee on Military Affairs.

By Mr. WHEELER: A resolution (H. Res. 132) directing the Secretary of War to cause to be made a survey and estimate of a wing dam at or near Ogden Landing, Kentucky—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 11249) granting a pension to Katharine Rains Paul—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 11250) granting an increase of pension to Arthur L. Currie—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 11251) granting an increase of pension to Jeremiah Law—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 11253) for relief of George F. Ormsby—to the Committee on Naval Affairs.

By Mr. DARRAGH: A bill (H. R. 11254) to correct the military record of Andrew Martin—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 11255) for the relief of Elizabeth N. Sullivan—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 11256) granting a pension to Elizabeth Whitehorn—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 11257) granting a pension to John W. Cundiff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11258) granting a pension to William F. Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11259) to remove the charge of desertion from the military record of William H. Phillips—to the Committee on Military Affairs.

Also, a bill (H. R. 11260) to remove the charge of desertion from the military record of William H. Hannah—to the Committee on Military Affairs.

Also, a bill (H. R. 11261) for the relief of Isaac Holbrook—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 11262) for the relief of Benjamin Stribling—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 11263) granting an increase of pension to William H. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11264) granting an increase of pension to Joseph M. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11265) granting an increase of pension to William Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11266) granting a pension to John Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11267) granting a pension to Miller C. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11268) removing charge of desertion from George J. Dennis, Company C, Thirty-third New Jersey Infantry—to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 11269) for the relief of Rudolphus Minton—to the Committee on War Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 11270) for the relief of David Hogan—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 11271) granting a pension to Louisa Gregg—to the Committee on Invalid Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 11272) to pay to J. B. McRae \$99 for services as hospital steward, and so forth—to the Committee on War Claims.

Also, a bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, \$430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.—to the Committee on Claims.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 11274) for the relief of W. R. Albright—to the Committee on War Claims.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 11275) granting an increase of pension to Agideons Noel, late assistant surgeon of Two hundred and fifth Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 11276) to correct the military record of Hall P. Talbot—to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 11277) granting an increase of pension to Sarah Reed—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11278) granting a pension to Hester A. Godman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11279) granting an increase of pension to James D. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11280) granting an increase of pension to Henry J. Feltus—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 11281) to remove the charge of desertion from the military record of John McKinley—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 11282) to remove the charge of desertion from the record of John Bittel—to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 11283) to remove the charge of desertion from the record of Millard F. Nicholson—to the Committee on Naval Affairs.

By Mr. PEARRE: A bill (H. R. 11284) to confirm title to lots 3, 4, and 5, in square 979, in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. PERKINS: A bill (H. R. 11285) for the relief of William Sheldon—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11286) granting a pension to Ellen M. Pooke—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 11287) for the relief of William H. Roach, of Arkansas—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 11288) granting an increase of pension to William E. Ball—to the Committee on Pensions.

By Mr. RUMPLE: A bill (H. R. 11289) granting a pension to Elizabeth M. Sale—to the Committee on Invalid Pensions.

By Mr. SCHIRM: A bill (H. R. 11290) to remove the charge of desertion from the record of Joseph Reigter—to the Committee on Military Affairs.

Also, a bill (H. R. 11291) providing for the payment of arrears of pension to Jerome E. Pampell—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11292) granting an increase of pension to Mary Louise Worden—to the Committee on Pensions.

By Mr. SKILES: A bill (H. R. 11293) to amend the military record of Witmer Reese—to the Committee on Military Affairs.

Also, a bill (H. R. 11294) granting a pension to Belle McCombs—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 11295) for the relief of the estate of Mary Beasley—to the Committee on War Claims.

By Mr. THOMAS of North Carolina (by request): A bill (H. R. 11296) for the relief of Elizabeth T. Flowers and Sarah E. Bridges—to the Committee on War Claims.

By Mr. WARNOCK: A bill (H. R. 11297) granting an increase of pension to William Mixon, Company C, Second United States Infantry—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 11299) increasing the pension of Elijah B. Hudson, of Dayton, Tenn.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany House bill 11236, granting a pension to Thomas Ridgeway—to the Committee on Invalid Pensions.

Also, resolution of Glass Workers' Union No. 93, of Charleroi, Pa., favoring the enactment of a law excluding the Chinese without limitation from this country—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Paper to accompany House bill 7679, granting an increase of pension to Franklin Snyder—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of members of Storekeepers and Gaugers' Association of the first collection district of Pennsylvania, urging the enactment of House bill No. 3095, giving them an annual vacation of thirty days—to the Committee on Ways and Means.

Also, papers in support of House bill 11249, granting a pension to Catharine Rains Paul—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Resolutions of the State Society of Labor and Industry of the State of Kansas, concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. BROWN: Resolution of the Wisconsin State board of agriculture, in support of House bill 8735, favoring the sale of public lands for the maintenance of agricultural and mechanical colleges—to the Committee on Mines and Mining.

By Mr. BULL: Resolution of Ines Post, No. 13, Grand Army of the Republic, of Providence, R. I., relating to the construction of war ships—to the Committee on Naval Affairs.

Also, resolutions of Central Trades and Labor Union, Coopers' Union No. 51, and Barkeepers' Union No. 285, all of Providence, R. I., and Union No. 342, of Pawtucket, R. I., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. BUTLER of Pennsylvania (by request): Petition of West Chester (Pa.) Typographical Union, No. 466, praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of General W. S. Hancock Post, No. 255, Grand Army of the Republic, of Downingtown, Pa., relating to the construction of war ships—to the Committee on Naval Affairs.

By Mr. CAPRON: Petition of Henry D. Scott and other citizens of Newport, R. I., in favor of the acquisition by the Government of title to certain land on the Bull Run battlefield—to the Committee on Military Affairs.

By Mr. CONNELL: Petitions of E. N. Willard and others, and C. G. Schroeder and others, all of Scranton, Pa., for the repeal of the tax on beer—to the Committee on Ways and Means.

Also, petition of Central Labor Union of Carbondale, Pa., and Federal Union No. 7174, of Jermyn, Pa., favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolution of Bolt and Nut Workers' Union and Broom Makers' Union, of Detroit, Mich., in favor of the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. DAHLE: Petition of missionary societies of the Presbytery of Madison, Wis., favoring an amendment to the Constitution relating to polygamy—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Twentieth Century Club of Pittsburg, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

By Mr. DARRAGH: Resolution of Andrews Post, No. 294, Department of Michigan, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, paper to accompany House bill 10545, granting an increase of pension to Solomon P. Brockway—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6690, granting a pension to Henrietta Rice—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Resolution of Mosaic and Encaustic Tile Layers' Union No. 10, of Syracuse, N. Y., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolution of the Illinois Manufacturers' Association, urging reciprocal relations with Cuba—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of United Presbyterian Presbytery of Allegheny, Pa., Rev. J. W. Witherspoon, clerk, for an amend-

ment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. GRIFFITH: Resolutions of Stony Point Grange, No. 1733, Patrons of Husbandry, of Indiana, favoring the amended Grout bill; also Senate bill 1439—to the Committee on Agriculture.

By Mr. HOWELL: Protest of the Presbytery of New Brunswick, N. J., against the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. JACK: Resolution of Joseph Shields Post, No. 638, Grand Army of the Republic, of Covode, Pa., relating to the construction of war ships—to the Committee on Naval Affairs.

Also, paper in support of House bill 10219, granting a pension to J. Banks Hunter, of Leechburg, Pa.—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Petition of Frank P. Blair Post, No. 54, of Galena, Department of Kansas, Grand Army of the Republic, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, papers to accompany House bill 10222, for the relief of Benjamin E. Morgan—to the Committee on Invalid Pensions.

By Mr. JOY: Paper in support of House bill 11271, granting a pension to Louisa Gregg—to the Committee on Invalid Pensions.

By Mr. KEHOE: Resolution of Woodworkers' Union No. 13, of Farmers, Ky., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. KNAPP: Resolution of Iron Molders' Union No. 78, of Watertown, N. Y., for the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LASSITER: Petition of Sallie R. Walton, of Dinwiddie County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANN: Resolution of Glass Bottle Blowers' Union No. 81, of Chicago Heights, Ill., American Federation of Labor, concerning the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

Also, resolution of Chicago Post-Office Clerks' Union, No. 8703, in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MERCER: Resolution of Omaha Branch of Transvaal League of America, protesting against the sending of representatives to the coronation of Edward VII—to the Committee on Foreign Affairs.

Also, resolution of the Nebraska Dairymen's Association, favoring the passage of the oleomargarine bill—to the Committee on Agriculture.

Also, resolution of citizens of Omaha, Nebr., in favor of the election of United States Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of the post-office clerks of Omaha, Nebr., favoring the passage of House bill 5286, to provide for the classification of salaries of clerks employed in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Coopers' Union No. 10, American Federation of Labor, of South Omaha, Nebr., and Grand Army Post No. 55, of Papillion, Nebr., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. MIERS of Indiana: Petition of citizens of Linton, Ind., in favor of reducing the tax on whisky—to the Committee on Ways and Means.

Also, resolutions of Grand Army posts of Cataract and Loogoo-tee, Ind., relating to the construction of war ships—to the Committee on Naval Affairs.

By Mr. MINOR: Resolution of George D. Eggleston Post, No. 133, Grand Army of the Republic, of Appleton, Wis., favoring the construction of war ships at the navy-yards—to the Committee on Naval Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Central Labor Union, Haverhill, Mass., advocating the restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Central Labor Union, Haverhill, Mass., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of A. W. Bartlett Post, No. 49, Grand Army of the Republic, Newburyport, Mass., advocating the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. MORRELL: Resolution of the Art Federation of Philadelphia, against change of title of Architect of the Capitol—to the Committee on Appropriations.

By Mr. NAPHEN: Resolution of International Association of Machinists, of Boston, Mass., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. NORTON: Petition of M. F. Nicholson, for the removal of the charge of desertion from his record in the United States Navy—to the Committee on Naval Affairs.

By Mr. PRINCE: Petition of certain depositors in the defunct Freedmen's Savings Bank and Trust Company, for an appropriation to pay their losses—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Friendship Lodge, No. 70, of Fort Wayne, Ind., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of Daniel O'Grady and others, of Buffalo, N. Y., representing Buffalo Liquor Dealers' Association, favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Clothing Cutters and Trimmers' Union No. 46, of Buffalo, N. Y., concerning the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. RUMPLE: Petition of the president of Ancient Order of Hibernians of Scott County, Iowa, for an investigation into the charge that the services of an expert horse buyer of the United States Army were tendered to the British Government for the purpose of aiding it in the purchase of horses and mules in this country for service against the Boers—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Resolutions of a mass meeting of citizens of Grand River Valley, Colorado, in favor of the irrigation of public lands—to the Committee on Irrigation of Arid Lands.

Also, petitions of Mrs. L. E. Ebersoll and other citizens of Denver, Colo., for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. SHERMAN: Resolutions of Butcher Workmen's Union No. 13, of Utica, N. Y., advocating the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SNOOK: Paper to accompany House bill 10560, for the relief of Albert Cogswell—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 5510, granting a pension to Thomas Thompson—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolution of International Association of Machinists, Boston, Mass., American Federation of Labor, relative to the construction of vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. WADSWORTH: Petition of citizens of Lima, N. Y., praying for the enactment of a law against polygamy—to the Committee on the Judiciary.

Also, resolution of Carpenters and Joiners' Union No. 289, of Lockport, N. Y., favoring the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Union No. 489, of Niagara Falls, N. Y., and Iron, Steel, and Tin Workers' Union No. 1, of Lockport, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. WARNOCK: Paper to accompany House bill 11297, granting an increase of pension to William Mixon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper in support of House bill 11235, granting a pension to Mary T. Easton—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolution of the Chamber of Commerce of Boise, Idaho, for the establishment of a national department of mining, etc.—to the Committee on Mines and Mining.

SENATE.

THURSDAY, February 13, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

IMPROVEMENT OF PORT OF BRUNSWICK, GA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 15th ultimo, a letter from Capt. Cassius E. Gillette, the local United States engineer officer at Savannah, Ga., relative to the feasibility of providing an inside water route from the Altamaha River into the port of Brunswick, Ga., in which he suggests the sum of \$8,000 as the cost of the work indicated; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

THE CENSUS OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in

response to a resolution of yesterday, a list of the persons employed at the present time in the Census Office, the nature of the duties performed, and the date of appointment, place whence appointed, etc.; which, with the accompanying paper, was referred to the Committee on the Census, and ordered to be printed.

SLOOP CORNELIA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel sloop *Cornelia*, Burr Thorp, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1970) to provide an American register for the barkentine *Hawaii*.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1795) for the relief of Jeronemus S. Underhill;

A bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States, during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

A bill (H. R. 4003) for the relief of the Atlantic Works, of Boston, Mass.;

A bill (H. R. 4842) for the relief of the trustees of Carson and Newman College, at Jefferson City, Tenn.;

A bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; and

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

PETITIONS AND MEMORIALS.

Mr. WETMORE presented a petition of Cigar Makers' Local Union No. 94, of Pawtucket, R. I., and a petition of Coopers' Local Union No. 51, of Providence, R. I., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FAIRBANKS presented petitions of Federal Labor Union No. 7106, of South Bend; of Muncie Lodge, No. 20, of Muncie; of Cigar Makers' Local Union No. 214, of Bluffton, and of Cigar Makers' Local Union No. 33, of Indianapolis, all of the American Federation of Labor, in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented petitions of Elberfeld Post, No. 484, of Elberfeld; of Marsh B. Taylor Post, No. 475, of Lafayette; of Freedom Post, No. 22, of Freedom; of General Willick Post, No. 543, of Haubstadt; of General Steele Post, No. 9, of Rockville, and of Jasper Packard Post, No. 589, of Lafayette, all of the Department of Indiana, Grand Army of the Republic; of the Dunkirk Trades Council, of Dunkirk, and of General Team Drivers' Local Union No. 78, of Fort Wayne, of the American Federation of Labor, all in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented a petition of the Spokane Grocers' Association, of Spokane, Wash., and a petition of the Seattle Retail Grocers' Association, of Seattle, Wash., praying for the passage of the so-called pure-food bill; which were referred to the Committee on Manufactures.

Mr. GIBSON presented a petition of 29 citizens of Great Falls, Mont., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the memorial of George Burton and 130 other citizens of Columbus, Mont., and the memorial of Sterling Tunnell and 82 other citizens of Fishtail, Mont., remonstrating against the leasing of public lands; which was referred to the Committee on Public Lands.

Mr. PATTERSON presented a petition of the Colorado State